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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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Applicant	EH Europe
Applied for Mark	ECOSAFE
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Mark:	ECOSAFE	:	Trademark Examining Attorney
Serial No.:	77/374,121	:	Sanjeev K. Vohra
Filed:	January 17, 2008	:	Law Office 110
Applicant:	EH Europe G.m.b.H.	:	

APPEAL BRIEF of APPLICANT

The applicant has appealed to the Trademark Trial and Appeal Board (TTAB) of the U.S. Patent and Trademark Office (PTO) from the final decision of the Trademark Examining Attorney refusing registration of the mark identified above. The applicant files this Appeal Brief to further that proceeding.

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I. Introduction

The single question presented in this appeal is whether confusion is likely to arise based on two parties' use of the common term "ecosafe" as a mark on different goods sold to sophisticated purchasers in different channels of trade, especially given the number of similar marks in use on similar goods.

II. Relevant Facts

The applicant filed its intent-to-use (ITU) application on January 17, 2008, to register the mark ECOSAFE in connection with "Electrochemical cells and batteries; batteries for use in storage of electrical energy produced from renewable sources, namely, wind, wave, solar or geothermal energies." In a first Office Action dated March 26, 2008, the Trademark Examining Attorney refused registration under Trademark Act Section 2(d), 15 U.S.C. § 1052(d), on the ground that the applicant's mark, when used in connection with the initially identified goods, is likely to be confused with an earlier-registered mark. The cited mark is ECOSAFE for "electrical cables," U.S. Registration No. 2,744,511 of Prysmian Power Cables and Systems USA, LLC.

The applicant's prior attorney of record, Elliott J. Stein, filed a response on September 26, 2008. The response included arguments, a Declaration in Support of Registration signed by Attorney Stein on September 26, 2008, and an Exhibit A--Description of Prysmian Cables & Systems. On October 23, 2008, the PTO approved the mark for publication (apparently finding an absence of any likelihood of confusion). For reasons not reflected in the record, however, the PTO very shortly thereafter withdrew its allowance. In the Final Office Action dated November 19, 2008, the Trademark Examining Attorney considered the applicant's arguments, but entered a final refusal to register the mark.

Following a change in the attorney of record, the undersigned attorney (Kevin Casey) received the benefit of the Trademark Examining Attorney's time for a telephone conference on February 3, 2009. The Trademark Examining Attorney highlighted as important the portion of the Final Office Action that attached and referred to printouts from the USPTO X-Search database showing third-party registrations of

marks used in connection with both batteries and electrical cables. The Trademark Examining Attorney also provided assistance and suggestions, very much appreciated, toward (a) amendment of the identification of goods, and (b) evidence supporting the absence of any likelihood of confusion.

The applicant's first Request for Reconsideration After Final Action, filed on February 25, 2009, amended the identification of the goods and included evidentiary Exhibits A-G as discussed with the Trademark Examining Attorney. The amended identification of goods, with amendments highlighted, was "Electrochemical cells and batteries excluding electrical cables; batteries for use in storage of electrical energy produced from renewable sources, namely, wind, wave, solar or geothermal energies and backup power for wind turbines."

The attorney of record followed-up the applicant's first Request for Reconsideration After Final Action with another telephone call to the Trademark Examining Attorney. Upon being advised that the arguments, amendments, and evidence were still insufficient to convince the PTO to allow the application, the attorney of record and the Trademark Examining Attorney discussed further actions that might overcome the continued refusal to allow. Again the Trademark Examining Attorney provided a helpful suggestion: an amendment to the identification of goods to specify the applicant's channels of trade.

In response to the Trademark Examining Attorney's suggestion, the applicant filed a second Request for Reconsideration After Final Action on March 23, 2009. That Request amended the identification of goods to read: "Electrochemical cells and batteries, excluding electrical cables, for use in storage of electrical energy produced from renewable sources, namely, wind, wave, solar or geothermal energies and backup power for wind turbines, sold to manufacturers and distributors of equipment that produces energy from renewable sources and to consumers of such equipment." The last phrase was added to limit the identification of goods to the applicant's channels of trade. This amended identification of goods constitutes the current identification of goods on appeal.

On March 24, 2009, the PTO again approved the mark for publication (apparently finding an absence of any likelihood of confusion). For reasons not reflected in the record, however, the PTO again very shortly thereafter withdrew its allowance.

The Trademark Examining Attorney mailed his Request for Reconsideration Denied on April 23, 2009. In the Request for Reconsideration Denied, the Trademark Examining Attorney accepted the applicant's amendment to the identification of goods. The Trademark Examining Attorney provided two bases, however, explaining why he was not persuaded by the applicant's arguments. First, the channels of trade were discounted because "those would be the expected channels of trade of the goods that are set forth." Second, the Trademark Examining Attorney attached and referred to additional printouts from the USPTO X-Search database showing third-party registrations of marks used in connection with both batteries and electrical cables, three in connection with solar applications. These actions left a single issue for resolution. The applicant filed its Notice of Appeal from the final refusal on May 15, 2009.

The single issue that forms the subject of this appeal is the Trademark Examining Attorney's final decision to maintain and continue his refusal to register the subject mark under Trademark Act Section 2(d), 15 U.S.C. § 1052(d). The Trademark Examining Attorney asserts that the applicant's mark, "ECOSAFE," when used in connection with the identified goods, is likely to be confused with the cited mark "ECOSAFE" for "electrical cables," reflected in Prysmian's U.S. Registration No. 2,744,511. As set forth in the following sections of this Appeal Brief, the applicant believes the Trademark Examining Attorney's decision to be in error and asks that this Board reverse his refusal and pass the applicant's mark to publication.

III. Argument

The applicant respectfully submits that there is no likelihood of confusion between its mark used with electrochemical cells and batteries excluding electrical cables and the cited mark used with electrical cables. The U.S. Court of Appeals for the Federal Circuit, which hears appeals from the PTO in

trademark application cases pursuant to 15 U.S.C. § 1071,¹ considers the following factors pertinent to likelihood of confusion:

1. Similarity or dissimilarity of marks in their entirety (appearance, sound, commercial impression);
2. Similarity or dissimilarity of goods or services;
3. Similarity or dissimilarity of trade channels;
4. Conditions of sale (impulse v. planned), i.e., sophistication of purchasers;
5. Fame of prior mark (sales, advertising, length of use);
6. Number of similar marks in use on similar goods or services;
7. Nature and extent of actual confusion;
8. Length of time and conditions of concurrent use without evidence of actual confusion;
9. Variety of goods or services on which mark is or is not used;
10. Market interface between applicant and owner of prior mark;
11. Extent of applicant's right to exclude others from use of mark;
12. Extent of potential confusion; and
13. Any other established fact probative of the effect of use.

G.H. Mumm & Cie v. Desnoes & Geddes, Ltd., 16 USPQ2d 1635, 1637-38 (Fed. Cir. 1990), attributing the factors to *E.I. DuPont De Nemours & Co.*, 177 USPQ 563, 567 (CCPA 1973)). The Federal Circuit has stated that the decisionmaker “must” consider all of the thirteen factors made of record, *Nina Ricci S.A.R.L. v. E.T.F. Enters. Inc.*, 12 USPQ2d 1901, 1903 (Fed. Cir. 1989), and that no one factor is dispositive. Therefore, although the applicant concedes the similarity of the marks, the remaining factors demonstrate the absence of any likelihood of confusion among purchasers as to the source of the parties’ respective goods.

The Trademark Examining Attorney found a likelihood of confusion because of the similarities between the marks and the goods of the parties. The Trademark Examining Attorney also considered, but found unpersuasive, the applicant’s critical evidence regarding disparate trade channels and sophisticated purchasers. Finally, the Trademark Examining Attorney cited and relied too heavily upon third-party registrations of marks used in connection with both batteries and electrical cables as evidence that buyers

¹ The Federal Circuit holds that likelihood of confusion is an issue of law which it reviews de novo on appeal. *In re Bed & Breakfast Registry*, 229 USPQ 818, 819 (Fed. Cir. 1986) (TTAB decision on likely confusion reversed as a legal issue subject to independent appellate review without deference).

will mistakenly assume that there is a relation or affiliation between the applicant's and the registrant's goods. The Trademark Examining Attorney did not consider any other *DuPont* factors.

The Trademark Examining Attorney's final decision to maintain and continue the refusal to register the subject mark under Section 2(d) should be reversed for the following reasons. The applicant submits that the Trademark Examining Attorney failed to assess properly the differences in goods, the differences in channels of trade, and the sophistication of the relevant purchasers. The Trademark Examining Attorney also overlooked entirely the number of similar marks in use on similar goods, and accorded too much weight to the similarity between the marks.

Likelihood of confusion is synonymous with "probable" confusion. It is not sufficient if confusion is merely "possible." *American Steel Foundries v. Robertson*, 269 U.S. 372, 382 (1926) (holding the PTO's "refusal to allow the registration was erroneous"). It is well settled, too, that the PTO bears the burden of demonstrating the likelihood of a mark to cause confusion. *See, e.g., In re Mavety Media Group Ltd.*, 31 USPQ2d 1923, 1925 (Fed. Cir. 1994) ("The PTO has the burden of proving that a trademark falls within a prohibition of § 1052."). This burden arises because Section 2(d) of the Trademark Act states no trademark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the Principal Register on account of its nature unless it consists of a mark that is likely to cause confusion. *In re Standard Elektrik Lorenz Aktiengesellschaft*, 152 USPQ 563, 566 (CCPA 1967).

As noted above, at two separate points the PTO approved the applicant's mark for publication (apparently finding an absence of any likelihood of confusion). The refusal to register the applicant's mark on the grounds of likely confusion was apparently overcome twice, in the mind of at least one PTO representative, by the applicant's initial response dated September 26, 2008 (even before several narrowing amendments were later made to the identification of the goods) and by the applicant's Request for Reconsideration After Final Action dated March 23, 2009. Such disagreement or change-of-mind renders illogical the conclusion that the Final Office Action and the Request for Reconsideration Denied

have met the PTO's burden to prove likely (i.e., probable) rather than merely possible confusion. The disagreement or change-of-mind in the PTO at the very least raises significant doubts under Section 2(d) about the likelihood of the applicant's mark to cause confusion.

The Federal Circuit addressed a case with strikingly similar factors in *Electronic Design & Sales, Inc. v. Electronic Data Sys. Corp.*, 21 USPQ2d 1388 (Fed. Cir. 1992). The court reversed the TTAB's finding of likelihood of confusion between Electronic Data's mark EDS for "computer programming services including the design, implementation, and management of electronic data processing programs and telecommunications services" sold to customers in the medical field and the applicant's mark E.D.S. for power supplies or battery chargers often incorporated into medical instruments and devices. Some of the same factors that the court found persuasive in *Electronic Design* also militate against a finding of likelihood of confusion in this application.

A. Similarities in Marks

Certainly, the similarity between the applicant's mark and the registrant's mark is a factor which cannot be ignored. It should not be given overriding weight, however, as the Trademark Examining Attorney appears to have done. Rather, the marks' similarity must be considered along with the other relevant *DuPont* factors. See, e.g., *Electronic Design*, 21 USPQ2d at 1392 n.2 ("The near identity of the marks [EDS versus E.D.S.] here is apparent and is not seriously disputed. But it too was given excessive weight by the Board in light of the sophistication of purchasers here."); *Pep Boys--Manny, Moe & Jack v. Edwin F. Guth Co.*, 94 USPQ 158 (CCPA 1952) (no likelihood of confusion between the mark CADET for storage batteries and the identical mark CADET for lighting fixtures). This point is especially true given both the weakness of the registrant's mark and the context of the applicant's use of the mark.

"Eco" is a combining form representing "ecology" in the formation of compounds such as "ecosystem," "ecotype," and "ecosafe." Literally, therefore, the term "ecosafe" suggests a product that is safe for the ecology (i.e., the environment). In other words, the term "ecosafe" is a general term implying

that the product has some kind of environmental benefit. See the sample definitions of the term attached as Exhibit A.

Many entities use the term “ecosafe” in connection with their products. An Internet search directed to the phrase “ecosafe products” yielded 91,900 results. Printouts of the search itself and of several of the results, which provide evidence of prevalent third-party use of the term “ecosafe,” are provided in Exhibit B. See also the evidence of third-party registrations and uses of the term “ecosafe” in Section III.E below.

The meaning or connotation delivered by the mark is that the goods sold under the mark are safe for the environment and enhance world-wide safety. The TTAB and the courts have recognized that common designations are weak and entitled to a narrower scope of protection than an entirely arbitrary or coined word. *See, e.g., In re Box Solutions Corp.*, 79 USPQ2d 1953 (TTAB 2006); *In re Central Soya Co., Inc.*, 220 USPQ 914 (TTAB 1984). Thus, Prysmian’s registered mark is relatively weak and entitled only to a narrow scope of protection.

The commercial impression made by the applicant’s mark is evident from the context provided by two of the applicant’s related marks, both long-used in connection with the applicant’s batteries. The applicant has registered the mark “POWERSAFE and Design,” Registration No. 3,435,702, based upon use of its mark since 2000. The applicant has also filed an application to register the mark “DATASAFE,” based upon use of its mark since 1998. Both of the applicant’s marks incorporate the same suffix “safe” as the subject mark with a common prefix (“power” and “data,” respectively). Consumers have come to associate with the applicant marks highlighting the applicant’s “safe” batteries, through the applicant’s use of the general designation “_____Safe.” *See* Exhibit C.

B. Differences in Goods

As amended, the applicant’s identification of goods expressly excludes the registrant’s goods. The applicant respectfully submits that, especially in the context of the parties’ respective goods, this fact is most important to the likelihood of confusion analysis. The applicant’s electrochemical cells and

batteries and the registrant's electrical cables are not related goods, as they might be if both were accessories to some other product (e.g., an electronic device such as a mobile telephone, personal computer, computer game, CD player, and the like). Rather, the applicant's market is industrial electrochemical cells and batteries and the registrant's (entirely separate) market is industrial electrical cables.

The attached printout from the web site (www.mouser.com) of Mouser Electronics, one of the applicant's distributors, states: "EnerSys is a global leader in stored energy solutions for industrial applications. EnerSys has an extensive line of motive power, reserve power, and specialty batteries." *See* Exhibit D; *see also* the printout from the web site www.energy-daily.com attached as Exhibit E. In contrast, on its web site, www.prysmian.com, the registrant (Prysmian) explains that it "is a leading developer, designer, manufacturer, supplier and installer of a broad array of cables for applications in the energy and telecommunications industries" (emphasis added). *See* Exhibit F. Specifically, the registrant sells industrial, high-technology, electrical cables for energy and telecommunications.

The definition of "electrical cable" is: "A cable that provides an electrical connection for telephone or television or power stations." *See* Exhibit G. This definition is consistent with the registrant's (Prysmian's) use of its mark, and helps to distinguish the "electrical" cables sold by Prysmian from "battery" cables that might be used in connection with the applicant's goods.

The applicant's mark is used with electrochemical cells and batteries which are entirely unrelated to the electrical cables with which the cited mark is used. The goods are specifically different and noncompetitive. The only relation between the goods is that both types of goods are broadly classified within the category of "electrical components" in International Class 9. Of course, the classification of goods has no bearing on the question of likelihood of confusion. Rather, it is the manner in which the applicant and registrant have identified their goods that is controlling. *Jean Patou Inc. v. Theon Inc.*, 29 USPQ2d 1771, 1774 (Fed. Cir. 1993); *National Football League v. Jasper Alliance Corp.*, 16 USPQ2d 1212, 1216 n.5 (TTAB 1990); T.M.E.P. § 1207.01(d)(v).

Both the Federal Circuit and the TTAB have rejected the view that a relationship exists between goods simply because each falls within the same general field. *See, e.g., Clayton Mark & Co. v. Westinghouse Electric Corp.*, 148 USPQ 672 (CCPA 1966) (no likelihood of confusion arises between MARK for electrical conduit and MARK 75 for industrial circuit breakers); *Fossil Inc. v. Fossil Group*, 49 USPQ2d 1451 (TTAB 1998) (no likelihood of confusion raised between FOSSIL for watches and THE FOSSIL GROUP for clocks); *Information Resources v. X*Press Info. Servs.*, 6 USPQ2d 1034 (TTAB 1988) (X*PRESS for a news service transmitted through cable television to a personal computer not likely to cause confusion with EXPRESS for information analysis computer programs); *In re Quadram Corp.*, 228 USPQ 863 (TTAB 1985) (Board found no confusion between FASER for software for energy conservation and MICROFAZER for hardware buffers).

In *Electronic Design*, the TTAB made the same mistake evident in the Trademark Examining Attorney's analysis of the subject application. Recognizing a similarly tenuous relationship between goods and services (both were in the broad category of the medical field), the TTAB nevertheless concluded that the applicant's "goods are sufficiently related [to opposer's services]. . . so that confusion is likely." 21 USPQ2d at 1390. The Federal Circuit unequivocally corrected the Board: "The Board's conclusion . . . incorporated doubtful fact findings concerning the relatedness of the goods and services and, in any event, is incorrect as a matter of law." *Id.*

The Federal Circuit cited with approval *Astra Pharmaceutical Prods., Inc. v. Beckman Instruments, Inc.*, 220 USPQ 786 (1st Cir. 1983):

In Astra, the parties marketed and sold goods marked with the name "ASTRA" to the same purchasing institutions--large hospitals. 220 USPQ at 790. Although both parties manufactured goods "in the same broad health care field," *id.* at 793, Astra sold pharmaceutical products to hospital pharmacies and Beckman sold laboratory instrumentation to hospital laboratories. *Id.* at 790. In affirming a grant of summary judgment of no infringement, the court held that use in the same broad field "is not sufficient to demonstrate that a genuine issue exists concerning likelihood of confusion." *Id.* at 790.

Electronic Design, 21 USPQ2d at 1390-91. Thus, in both *Electronic Design* and *Astra*, the appellate court found goods like those at issue in this application insufficiently related to support a determination that confusion was likely.

In *Pep Boys--Manny, Moe & Jack*, 94 USPQ 158, the U.S. Court of Customs and Patent Appeals (a predecessor to the Federal Circuit) addressed yet another case with strikingly similar factors. The court affirmed the PTO decision to dismiss an opposition, finding no likelihood of confusion between the mark CADET for storage batteries and the identical mark CADET for lighting fixtures. The court's analysis is equally applicable to the facts of the present case:

It will be noted that both parties make use of the identical trade mark. . . . [T]he only question here presented is whether the respective goods of the parties on which the marks are used are such as to be likely to cause confusion in the minds of purchasers as to the source of origin.

It appears to us that electric lighting fixtures and storage batteries are not associated in use, and from the stipulation of facts it appears that they are not handled by the same type of dealers or sold in the same manner. We believe that those who purchase electric lighting fixtures should properly be classified as discriminating purchasers. . . .

It is our opinion that appellant's storage batteries differ so widely in use and characteristics which govern choice by a purchaser, and in all other respects, from the electric lighting fixtures of appellee that the use of identical marks on these respective products would not be likely to cause confusion, or mistake, or to deceive purchasers as to the source thereof.

94 USPQ at 159-60.

Also pertinent is the Board's own decision in *Electronic Data Sys. Corp. v. EDSA Micro Corp.*, 23 USPQ2d 1461 (TTAB 1992). *Electronic Data* opposed the application of *EDSA Micro Corp.* to register the mark EDSA for computer programs for electrical distribution analysis and design. As grounds for opposition, *Electronic Data* asserted likelihood of confusion with its EDS mark for computer programs for performing systems and design. The Board found no likelihood of confusion and dismissed the opposition. Despite the similarity of the parties' marks and the conceded fame of the opposer's mark, the Board found the opposer's computer data processing programming services insufficiently related to the applicant's computer programs that consumers would be likely to associate them with a single source.

Id. at 1463 (“We decline to interpret the concept of related goods so broadly.”). That same factor -- a clear difference in goods -- is of paramount importance in the present application.

Moreover, the PTO bears the burden to provide evidence showing that the goods are more particularly related than falling under the same broad category of goods to support a conclusion of likelihood of confusion. T.M.E.P. § 1207.01(a)(vi). An overlap must exist among individual purchasers of the respective goods. This requirement has not been met.

The issue is not whether the actual goods are likely to be confused but, rather, whether there is a likelihood of confusion as to the source of the goods. *See, e.g., In re Shell Oil Co.*, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993) (and cases cited therein). If the goods in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely. *See, e.g., Quartz Radiation Corp. v. Comm/Scope Co.*, 1 USPQ2d 1668 (TTAB 1986) (QR for coaxial cable held not confusingly similar to QR for various products (e.g., lamps, tubes) related to the photocopying field).

The Trademark Examining Attorney attached to his Final Office Action and referred to printouts from the USPTO X-Search database that show third-party registrations of marks used in connection with both batteries and electrical cables. The registrations are summarized in the table below.

MARK	REG. NO.	REG. DATE	GOODS	1 st USE DATE
DATHRONE	2,799,166	12/23/03	Electronic devices (including batteries and electrical cables)	01/03/02
ETADEL	2,865,659	07/20/04	Electronic devices (including batteries and electrical cables)	12/05/03
HELLOMOTO	3,308,016	10/09/07	Batteries and electric cables for electronic devices	05/31/02
SMARTDISK	2,881,483	09/07/04	Batteries and electric cables for electronic devices	12/31/93
DIGITAL PURSUITS	2,953,579	05/17/05	Batteries and electric cables for electronic devices	01/01/03
JSTYLE	3,349,774	12/04/07	Batteries and electric cables for electronic devices	07/01/07

ROCKFORD FOSGATE	3,180,261	12/05/06	Batteries and electric cables for audio equipment	01/31/01
COMPUVIDEO	3,363,453	01/01/08	Batteries and electric cables for electronic devices	09/28/07
PARKER	3,442,895	06/03/08	Batteries and electric cables for electronic devices	03/00/07
IT'S A GAMERS LIFE FOR ME	3,522,737	10/21/08	Batteries and electric cables for electronic devices	04/04/06

In his Request for Reconsideration Denied on April 23, 2009, the Trademark Examining Attorney attached and referred to additional printouts from the USPTO X-Search database showing third-party registrations of marks used in connection with both batteries and electrical cables, three in connection with solar applications. The registrations are summarized in the table below.

MARK	REG. NO.	REG. DATE	GOODS	1 st USE DATE
OTE	2,013,275	11/05/96	Electrical cables and batteries chargers (NOT batteries)	04/01/93
MOUSER ELECTRONICS	2,210,703	12/15/98	Electronic devices (including batteries and electrical cables)	04/27/73
SOLAR MARKET	2,613,834	09/03/02	Solar collectors (including batteries and electrical cables)	04/15/94
"Triangle" Design	2,826,805	03/30/04	Solar collectors (including batteries and electrical cables)	03/08/00
μCOR	2,685,677	02/11/03	Electrical power supplies, solar power supplies, electrical cables, batteries	06/00/98
KEDU	2,954,659	05/24/05	Various electronic accessories including batteries and electrical cables	12/01/02
MILITARY POWER	3,153,783	10/10/06	Batteries, battery cables, and electrical cables	01/15/01

The registrations ostensibly show, per the Trademark Examining Attorney, that buyers will mistakenly assume that there is a relation or affiliation between the applicant's ECOSAFE electrochemical cells and batteries and the registrant's ECOSAFE electrical cables. There are three main problems with this syllogism. First, the Federal Circuit and the Board itself have often criticized the evidentiary weight of registrations as evidence of buyer perceptions, even in the very cases cited by the Trademark Examining Attorney in support of his position: *In re Infinity Broad. Corp.*, 60 USPQ2d 1214, 1217-18 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); and *In*

re Mucky Duck Mustard Co., 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); *see* T.M.E.P. §1207.01(d)(iii).

These three cases completely fail to support the stated position.

The facts of *In re Infinity Broad. Corp.* undermine the applicability of that case. The applicant sought to register “KYNG” for “radio broadcasting services.” The Trademark Examining Attorney refused registration under Section 2(d) based on the previously registered marks “KING-TV” for “television broadcasting services” and “KING FM” for “radio broadcasting services.” The Board noted: “As is obvious, registrant itself renders both types of services under virtually identical marks (differing only in the descriptive and/or generic designations ‘TV’ and ‘FM’).” *Id.* at 1217. Evidence of third-party registrations was at best redundant and, at worst unnecessary, given that critical fact. In contrast, Prysmian’s registration is for electrical cables only; there is no indication that the registrant itself sells both batteries like the applicant (or battery cables) and electrical cables.

The Board actually reversed the refusal of the Trademark Examining Attorney to register the applicant’s mark under Section 2(d) in the second case, *In re Albert Trostel & Sons Co.* The applicant sought to register “PHOENIX” for leather sold in bulk. The refusal was based on likelihood of confusion with a prior registration for the identical mark used on all-purpose sports bags, luggage, attaché cases, portfolio briefcases, and handbags. The Board considered evidence of third party registrations and, obviously (in view of the decision), found such evidence unpersuasive. In fact, the Board found the evidence of “very limited” probative value. 29 USPQ2d at 1786. Similarly, in the third case cited by the Office Action, *In re Mucky Duck Mustard Co.*, the Board gave evidence of third party registrations “little weight.” 6 USPQ2d at 1470 n.6.

The second problem with the syllogism stated by the Trademark Examining Attorney is that a careful review of each of the seventeen registrations listed above yields the conclusion that, generally, when batteries and electrical cables are sold by a single source, they are sold as common accessories for electronic devices such as mobile telephones, personal computers, computer games, CD players, and the like. (Note, too, that the registration for the mark OTE encompasses batteries chargers and not batteries.)

Neither the applicant nor the registrant is selling accessories; rather, as noted above, they are in the entirely separate industrial battery and electrical cable industries, respectively.

The last of the seventeen registrations listed above, Registration No. 3,153,783, is for the mark MILITARY POWER and identifies the registrant as the source for three distinct and separate goods: batteries, battery cables, and electrical cables. This registration highlights the difference between “battery cables,” which purchasers might expect to emanate from the same source as the “batteries” to which such cables connect, and “electrical cables,” which purchasers would not necessarily expect to emanate from the same source (unless accessories unlike the goods of the applicant or Prysmian). As support for this point, attached are five example registrations which include “battery cables” and “batteries” as listed goods—but do not include “electrical cables.” See Exhibit H. The cited registration of Prysmian recites “electrical cables,” not “battery cables.”

The third problem with the syllogism stated by the Trademark Examining Attorney is that it is illogical. Using only the registrations cited in the Final Office Action as a sample universe, the fallacy of the position is illustrated. Most of the cited registrations recite completely unrelated goods in the same registration.

MARK	REG. NO.	REG. DATE	EXAMPLE GOODS	1 st USE DATE
DATHRONE	2,799,166	12/23/03	Light pens and digital signal processors	03/06/03
ETADEL	2,865,659	07/20/04	Light pens and digital signal processors	12/05/03
HELLOMOTO	3,308,016	10/09/07	Telephones and eyeglasses	05/31/02
DIGITAL PURSUITS	2,953,579	05/17/05	Camera cases and mouse pads	01/01/03
JSTYLE	3,349,774	12/04/07	Stereos and telephones	07/01/07
ROCKFORD FOSGATE	3,180,261	12/05/06	Radios and circuit breakers	01/31/01
COMPUVIDEO	3,363,453	01/01/08	Photovoltaic cladding panels and children’s video tapes	09/28/07
PARKER	3,442,895	06/03/08	Baby monitors and video tapes featuring horror	03/00/07

If Party A were to have registered a mark for Goods A and Party B sought to register the same mark in connection with completely unrelated Goods B and Party C happened to have registered another mark (distinguishable from the mark of Parties A and B) for Goods A and B, then, according to the PTO's logic, Party B's application should be rejected--despite the fact that Goods A and B are clearly unrelated. Using the last cited registration listed above as a concrete example, if Party A had registered the hypothetical mark "SAFE" on baby monitors, then Party B could not register the same mark "SAFE" on horror films because the unrelated mark "PARKER" of Party C was registered in connection with both baby monitors and horror films. Such a result is clearly wrong (depending, of course, on how other *DuPont* factors might affect the likelihood of confusion analysis).

C. Different Channels of Trade

On its web site, www.prysmian.com, Prysmian explains that it is "one of the world's leaders in the energy and telecommunications cables industry" (emphasis added). Specifically, Prysmian sells industrial, high-technology, electrical cables for energy and telecommunications:

Prysmian Cables and Systems engages in the design, development, manufacture, supply, and installation of cables for applications in the energy and telecommunication industries in Europe, the United States, and South America. Its Energy Cables & Systems division manufactures and installs products and related accessories for the underground and submarine transmission and distribution of energy in the form of electricity. This division offers submarine power systems, power transmission systems, power distribution cables, and network components for utilities; residential and commercial building electricity distribution cables to contractors and distributors in the trade and installers market; and customized products used for various specialty applications by customers in the appliance, automotive, chemical, electrical equipment, infrastructure, mining, oil and gas, and shipbuilding industries. The company's Telecom Cables & Systems division installs fiber-optic cables for voice, data, video, and control applications, as well as broadband connectivity components and accessories. This division manufactures optical fiber used in the production of fiber-optic cables, as well as manufactures, distributes, and installs copper telecom cables. Prysmian also produces and supplies related components and accessories for cable systems, as well as provides product and system design, coordination and project management, project realization, and installation and post-installation maintenance services. The company was founded in 1879 and is based in Moscow, Russian Federation. Prysmian Cables and Systems is a subsidiary of Prysmian (LUX) II S.a.r.l.

See www.linkedin.com/companies/prysmian, attached as Exhibit I. Thus, Prysmian's goods are purchased by entities such as contractors and distributors in the building trade and installers market. See

also Declaration in Support of Registration of Elliott J. Stein at ¶ 7 attached as Exhibit J (the registrant's goods are apparently "purchased by architects, building and civil engineers and contractors").

In contrast, the applicant's goods are purchased by manufacturers and distributors of equipment that produces energy from renewable sources, namely wind, wave, solar or geothermal energies and backup power for wind turbines, and by the consumers who use such equipment. Stein Declaration at ¶¶ 3, 7. The applicant's identification of goods is limited to these particular channels of trade. The purchasers of goods bearing the applicant's mark have no need for the electrical cables bearing the registrant's mark and vice versa.

The applicant respectfully submits that there is no likelihood of confusion between its ECOSAFE mark for electrochemical cells and batteries used by manufacturers, distributors, and customers of energy-production equipment to store electrical energy and the registrant's mark ECOSAFE for electrical cables used by architects, engineers, and contractors to transmit energy or signals. The applicant's mark is used with goods (1) which are used in a field of electrical devices, which is different from the field where the goods of the cited mark are used, (2) which are used by personnel different from the personnel who use the goods of the cited mark, (3) which have a purpose different from and unrelated to the functions performed by the goods of the cited mark, and (4) which are specified for purchase by personnel different from the personnel who specify the goods of the cited mark. Moreover, there is a significant difference in the cost of the goods. The cost of the registrant's electrical cables, generally, is many times more than the cost of the applicant's electrochemical cells and batteries (see below).

The Trademark Examining Attorney discounted the important distinction between the parties' channels of trade based upon expectations and presumptions. Both the expectations and the presumptions are without evidentiary foundation. The Request for Reconsideration Denied discounted the trade channels limitation in the applicant's identification of goods because it recited "the expected channels of trade of the goods that are set forth" (emphasis added). The Request for Reconsideration Denied offered no evidence supporting the presumption that the recited trade channels should be "expected" for the

applicant's goods. Moreover, even if such trade channels would be expected, that point does not diminish the important fact that those trade channels differ significantly from the trade channels through which Prysmian sells its goods.

The Final Office Action dismissed the applicant's argument, directed to disparate trade channels, based only on the "presumption" that "the goods are likely to travel in the same channels of trade." This presumption errs in that it considers customers for electrical components as a whole, rather than determining the relevant persons who purchase such devices, in defining the channels of trade. The Federal Circuit deemed such a cursory analysis "legally deficient" in *Electronic Design*, 21 USPQ2d at 1392. Even if the purchase of the goods of both parties were by the same institution, which is not the case for the disparate goods of the applicant and the registrant, such evidence does not, by itself, establish similarity of trade channels. *Id.* at 1391 (citing *Astra*, 220 USPQ at 790).

The applicant's goods are sold to the manufacturers, distributors, and customers of energy-production equipment in connection with energy storage. The registrant's electrical cables are sold to architects, engineers, and building contractors and distributors in connection with energy or signal transmission. Thus, the applicant's goods are purchased by people in a field of electrical devices which is different from the field which includes purchasers of the goods with which the cited mark is used.

Considering purchasers from the very same institutional customers (hospitals), the Federal Circuit again adopted, in *Electronic Design*, the reasoning of the U.S. Court of Appeals for the First Circuit:

The First Circuit's holding [in *Astra*] recognized that "[t]he 'hospital community' is not a homogeneous whole, but is composed of separate departments with diverse purchasing requirements, which, in effect, constitute different markets for the parties' respective products." 220 USPQ at 791.

Electronic Design, 21 USPQ2d at 1391. Thus, both appellate courts found the individual departments in hospitals to be separate and independent purchasers establishing disparate trade channels. The applicant's and registrant's respective fields are even more disparate in that they encompass separate and independent purchasers establishing disparate trade channels. *See, e.g., Pep Boys--Manny, Moe & Jack*, 94 USPQ at

159 (lighting fixtures and storage batteries sold in different channels of trade); *Clayton Mark & Co.*, 148 USPQ at 672 (no confusion likely between similar marks used on electrical conduit and industrial circuit breakers sold in different channels of trade for different uses).

It cannot be presumed, as the PTO did here, that electrochemical cells and batteries used by manufacturers, distributors, and customers of energy-production equipment are selected by the same individuals who select the electrical cables needed by architects, building and civil engineers, and building contractors and distributors. In fact, the opposite conclusion is warranted and the tenuous connection between the applicant's and the registrant's trade channels is clear. *See Electronic Design*, 21 USPQ2d at 1391; *Astra*, 220 USPQ at 790.

D. Sophistication of Purchasers

The Trademark Examining Attorney discounted the sophistication of the purchasers who buy the applicant's and registrants' respective goods on the ground that "the relevant consumer includes both professionals and the general public." *See* Final Office Action. This ground errs because neither party's goods are sold to the general public and, even if they were, the technical specificity of the parties' respective goods targets only sophisticated purchasers. This error is especially harmful because the "sophistication of purchasers" *DuPont* factor "is important and often dispositive," *Electronic Design*, 21 USPQ2d at 1392, as the applicant contends it is in this case. Sophisticated purchasers may be expected to exercise greater care and, because they are discriminating, sophisticated purchasers are unlikely to be confused by similar marks. *Id.*; *see also* T.M.E.P. § 1207.01(d)(vii) ("circumstances suggesting care in purchasing may tend to minimize likelihood of confusion").

"Just from the record description of goods . . . here one would expect that nearly all of [the] purchasers would be highly sophisticated." *Electronic Design*, 21 USPQ2d at 1392. Both the applicant's and the registrant's goods are sold to professional buyers who are highly trained and experienced in evaluating the reliability and dependability of manufacturers and sellers of various electrical components. Such buyers make purchases only after careful consideration. *See, e.g., Republic Steel Corp. v. M.P.H.*

Mfg. Corp., 136 USPQ 447, 449 (CCPA 1963) (holding a higher degree of care was exercised by professional architect buyers purchasing building supplies--akin to the registrant's electrical cables); *GB Elec. v. Thomas & Betts Corp.*, 37 USPQ2d 1177, 1181 (E.D. Wis. 1995) ("Not only are contractors sophisticated about electrical products, they must keep close tabs on their supplies.").

Such care is assured by the relative expense of the respective goods. The applicant's electrochemical cells and batteries cost tens to hundreds of dollars. The registrant's industrial, high-technology, electrical cables for the energy and telecommunications industries cost many times more than that amount. Among items classified as "expensive goods," for which a greater degree of purchasing care is exercised, are electronic devices. *See, e.g., Pep Boys--Manny, Moe & Jack*, 94 USPQ at 159 ("We believe that those who purchase electric lighting fixtures should properly be classed as discriminating buyers."); *Magnaflux Corp. v. Sonoflux Corp.*, 109 USPQ 313, 315 (CCPA 1956) (electronic testing apparatus "are expensive and are purchased after careful consideration"). Therefore, both the applicant's and the registrants' goods are relatively expensive. "[T]here is always less likelihood of confusion where goods are expensive and purchased after careful consideration." *Electronic Design*, 21 USPQ2d at 1392 (citing *Astra*, 220 USPQ at 790).

The First Circuit's comment, upon considering similarly sophisticated purchasers, applies to this application: "it is simply inconceivable that purchasers of the parties' respective goods could be confused as to the source of those goods, or even about the relationship between [the] companies." *Astra*, 220 USPQ at 791. Even assuming that the Trademark Examining Attorney were correct in finding sufficient relatedness between the marks and goods, therefore, the relevant purchasers are sophisticated enough that the likelihood of confusion is remote.

E. Many Similar Marks

Evidence of third-party use falls under the sixth *DuPont* factor: the number and nature of similar marks in use on similar goods. If the evidence establishes that the consuming public is exposed to third-party use of similar marks on similar goods, this evidence "is relevant to show that a mark is relatively

weak and entitled to only a narrow scope of protection.” *Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 73 USPQ2d 1689, 1693 (Fed. Cir. 2005). *See also* T.M.E.P. § 1207.01(d)(iii) (third-party registrations are relevant to show that the mark is “so commonly used that the public will look to other elements to distinguish the source of the goods or services,” citing *AMF Inc. v. American Leisure Prods., Inc.*, 177 USPQ 268, 269-70 (C.C.P.A. 1973), and *Plus Prods. v. Star-Kist Foods, Inc.*, 220 USPQ 541, 544 (TTAB 1983)). Thus, the evidence provided in Exhibits K, L, and M (discussed more fully below) is probative of the applicant’s contention that the cited registered mark is “weak” and entitled to only a narrow range of protection. *Lloyd’s Food Prods., Inc. v. Eli’s, Inc.*, 25 USPQ2d 2027, 2029 (Fed. Cir. 1993).

The following table lists ten exemplary third-party registrations for “ECOSAFE . . .” marks.

MARK	REG. NO.	REG. DATE	GOODS/SERVICES	1 st USE DATE
Ecosafe	3,403,660	3/25/2008	Tires	2/15/2007
Ecosafe	3,073,320	3/28/2006	Metal bag dispensers	2/00/2003
Ecosafe Biodegradable Plastic	3,084,982	4/25/2006	Plastic goods	3/00/2003
Ecosafe	2,695,700	3/11/2003	Paint for vehicles	3/00/1992
Ecosafe Totally Degradable Plastic	2,716,541	5/13/2003	Plastic goods	2/00/2001
Ecosafe Biodegradable Plastic	2,953,820	5/17/2005	Plastic	5/28/2003
Ecosafe Premium Foam	77/581,812	9/30/2008	Building insulation	9/00/2008
Ecosafe	2,908,981	12/7/2004	Chemicals	9/20/1995
Ecosafe Totally Degradable Plastic	2,684,835	2/4/2003	Plastic goods	2/00/2001
Ecosafe	2,318,583	2/15/2000	Hydraulic fluids for mobile equipment and industrial applications	5/00/1995

Printouts of the PTO records supporting these third-party registrations are collected in Exhibit K. Use of the registered marks above is confirmed by the attached Internet printouts collected in Exhibit L. Among the goods, with which the mark ECOSAFE (alone and not in combination with other terms) is used, are tires, paints for vehicles, and hydraulic fluids for mobile equipment and industrial applications. Large automobile manufacturers such as General Motors Corporation trade in all three of these types of goods--

as well as vehicle batteries and vehicle electrical cables. Thus, no one (including the cited registrant, Prysmian) using the mark ECOSAFE can be afforded a wide scope of protection and there is room for the applicant's use and registration without any likelihood of confusion.

An Internet search also uncovered a number of users of the mark ECOSAFE who have not filed federal registration applications but may have common law trademark rights. Printouts showing these third-party uses are collected in Exhibit M (see also Exhibit B). Among these users are: (1) EcoSafe Natural Products Inc. for chemical formulations; (2) Morton International, Inc. for ice melt; (3) Ecosafe Inc. for carpet cleaning; (4) Cambro Manufacturing Company for manufacturing processes; (5) Bosch Rexroth for structural framing components; (6) Wataire Ecosafe Technologies Inc. for turbine-based water treatment systems; and (7) Eco-Safe Systems USA, Inc. for food disinfection and water reclamation. The fact that the users listed above are able to coexist using the identical mark without causing consumer confusion indicates that consumers do not necessarily assume a relationship between different marks based on the presence of the term "Ecosafe."

In *Lloyd's Food*, the TTAB cancelled Lloyd's Food's registration based upon a likelihood of confusion between Lloyd's Food's registered trademark and the registration of a mark owned by Eli's, Inc. Lloyd's Food offered evidence of third-party use of the mark. The Federal Circuit found that "for all intents and purposes the board ignored this evidence. It thus rejected Lloyd's Food's contention that the mark was 'weak' and entitled to a narrow range of protection." *Lloyd's Food*, 25 USPQ2d at 2029. Finding that "the board erred in its treatment of the evidence in the record," *id.*, the court vacated the TTAB's decision.

The TTAB and Federal Circuit have often based a legal conclusion of no likelihood of confusion on evidence of third-party use of a designation. *See, e.g., In re Broadway Chicken Inc.*, 38 USPQ2d 1559 (TTAB 1996) (wide-spread third party use of "Broadway" warrants finding that confusion is not likely between contemporaneous use of "Broadway Chicken" and "Broadway Pizza" marks); *Al-Site Corp. v. VSI Int'l, Inc.*, 50 USPQ2d 1161, 1176 (Fed. Cir. 1999) (no reasonable juror could have found likely

confusion between MAGNIVISION and MAGNA•DOT) (quoting case finding “the extensive third-party use of the word ‘Sun’ impressive evidence that there would be no likelihood of confusion between Sun Banks and Sun Federal”) (emphasis in original). The applicant respectfully submits that the evidence of third-party use should carry similar weight in this case.

F. Other Factors

None of the remaining *DuPont* factors appears relevant at this time to consideration of the pending application. Prysmian claims a first use date of June 2002 for the cited mark. It is highly unlikely that Prysmian’s mark has become famous after so short a period of use. The applicant has filed an intent-to-use application. Accordingly, such factors as actual confusion and concurrent use do not play a role in determining likelihood of confusion in this case.

IV. Conclusion

“In every case turning on likelihood of confusion, it is the duty of the examiner . . . to find, upon consideration of *all* the evidence, whether or not confusion appears likely.” *In re E.I. DuPont*, 177 USPQ at 568 (emphasis in original). Although the Trademark Examining Attorney made specific factual findings on several of the thirteen factors set forth in *DuPont*, the Trademark Examining Attorney failed to assess properly the differences in goods, the differences in channels of trade, and the sophistication of the relevant purchasers. Moreover, the Trademark Examining Attorney overlooked entirely the number of similar marks in use on similar goods, and accorded too much weight to the similarity between the marks. For all the reasons provided above, the applicant submits that the Trademark Examining Attorney’s refusal should be reversed and the application to register the mark should be passed to publication.

Exhibits A-M
Dated: July 13, 2009

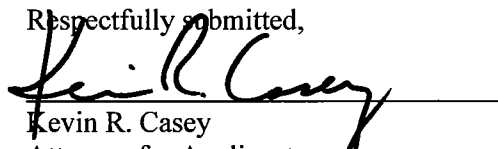
Respectfully submitted,

Kevin R. Casey
Attorney for Applicant

EXHIBIT A

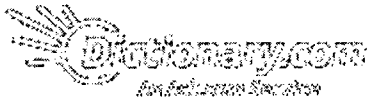
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Eco [ek-oh; *It.* e-kaw] Show IPA

-noun

Umberto, born 1932, Italian novelist and philosopher.

eco-

a combining form representing **ecology** in the formation of compounds (*ecosystem*; *ecotype*); also with the more general sense "environment," "nature," "natural habitat" (*ecocide*; *ecolaw*; *ecopolitics*).

Dictionary.com Unabridged

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E-co (ě'kō)

Italian writer best known for his novels, including *The Name of the Rose* (1981). He has also written extensively on semiotics and British and American popular culture.

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Economic Cooperation Organization

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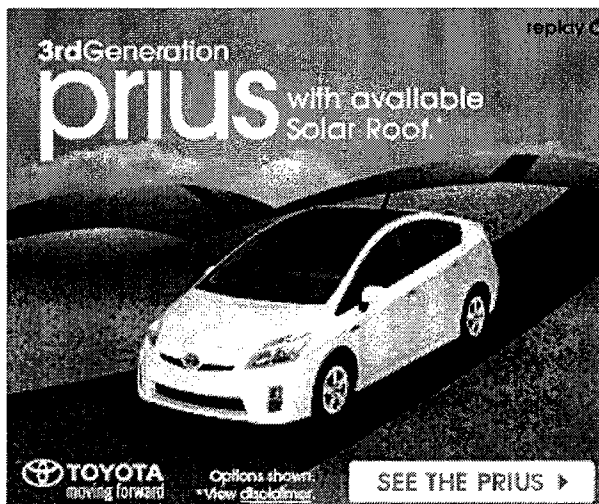
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eco safe

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LABEL REPORT CARD

How meaningful is the label?	Is the label verified?	Is the meaning of the label consistent?	Are the label standards publicly available?	Is information about the organization publicly available?	Is the organization free from conflict of interest?	Was the label developed with broad public and industry input?
Not	No	No	No ¹	No ²	No ³	No

1. There are no standards for the eco-smart label.
2. There are no standards for the eco-smart label.
3. The producer or manufacturer decides whether to use the claim and is not free from its own self-interest.

LABEL CATEGORY:

General Claims

WHERE YOU'LL FIND THIS GENERAL CLAIM:



CLEANING PRODUCTS

- FLOOR, FURNITURE & WOOD CLEANERS
- GLASS & METAL CLEANERS
- KITCHEN & BATHROOM CLEANERS
- LAUNDRY CLEANERS
- OTHER CLEANERS

WHAT THIS GENERAL CLAIM MEANS:

There is no government or official definition for this term.

WHO VERIFIES THIS GENERAL CLAIM?

There is no organization behind this claim other than the company manufacturing or marketing the product.

CONSUMERS UNION EVALUATION:

Eco-safe is a general claim that implies that the product or packaging has some kind of environmental benefit or that it causes no harm to the environment. There is currently no standard definition for the term. Unless otherwise specified, there is no organization independently certifying this claim. The producer or manufacturer decides whether to use the claim and is not free from its own self-interest.

All products have some environmental impact. Some manufacturers may cite specific reasons why they consider a product to be "eco-safe," while others may not. Without more specific information, there is no way to determine whether products labeled "eco-safe" are in any way better for the environment or cause less harm than other products. To learn more about what is meant by this term, consumers must contact the manufacturer.

Foods, drugs, and cosmetics are required to list their ingredients (with a few exceptions, such as fragrances in cosmetics), but household cleaning products are not required to disclose their ingredients (except for disinfectants or other ingredients considered to be antimicrobial pesticides).

The U.S. Federal Trade Commission (FTC) considers this claim too vague to be meaningful to consumers. The FTC guidance requires manufacturers to either avoid such terms or substantiate and qualify them to avoid misleading consumers.

Claims like this are vague and non-specific and prohibited by the International Standard Organizations.

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abbreviation to define

ECOSAFE

find

Examples: NFL, HEV, NASA, P
Word(s) in meaning: chat "glob
Postal codes: USA: 81657, Can:

- ☒ abbreviation
- ☐ word in meaning
- ☐ location



What does ECOSAFE stand for?

Your abbreviation search returned 0 meanings

EcoSafe Products
Safe for people and the environment No detergents or harmful chemicals
www.ecosafeproducts.com

Ads by Google

Castrol Official Site
Castrol Motor Oil: It's More Than Just Oil. It's Liquid Engineering.
www.Castrol.com

Chemical Alternatives
Food and Sanitation Chemicals ARMEX Blast Media (aka Baking Soda)
www.escaindustries.com

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Safe Cleaners

Green Cleaner

Natural Cleaner

Safe Cleaning
- Natural Detergen

Safe Detergent

Diesel Fuel Oil

Laundry Deterger

Oil Piping

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For more product information contact pragan@ecosafeplastics.com

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With over thirty years in the field, Rod Bradbury has a rare combination of expertise and experience in research, development, and production in laboratory and manufacturing facilities. His name appears on numerous formula patents, lists of scientific advisors, and published articles. He also has in-depth knowledge of government regulations.

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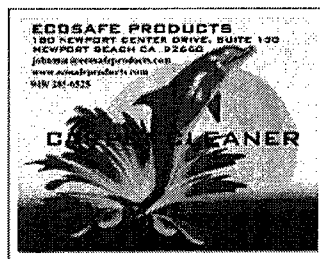
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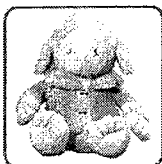
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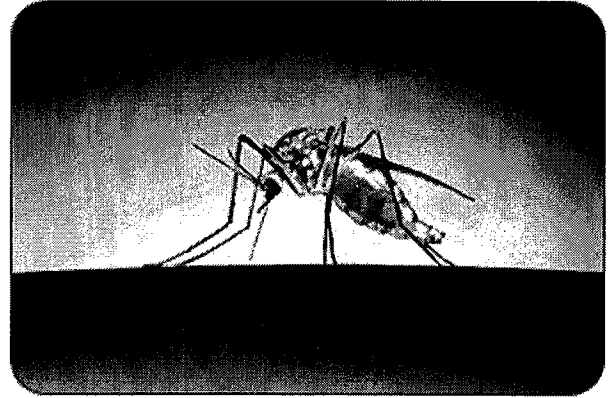
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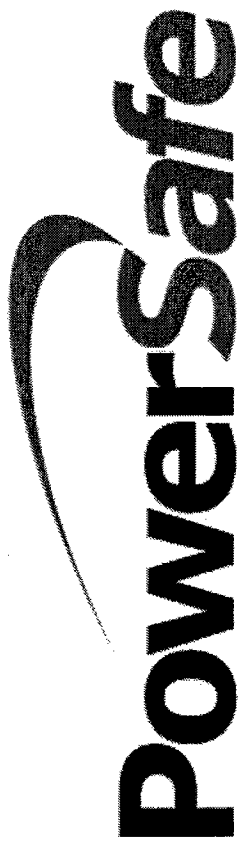
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Design Search Code	26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved
Trademark Search Facility Classification Code	SHAPES-BAR-BANDS Designs with bar, bands or lines SHAPES-COLORS-2 Design listing or lined for two colors
Serial Number	77301087
Filing Date	October 10, 2007
Current Filing Basis	1A
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Published for Opposition	March 11, 2008
Registration Number	3435702

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DataSafe

Word Mark	DATASAFE
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Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77696887
Filing Date	March 23, 2009
Current Filing Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) EH Europe GmbH gesellschaft mit beschränkter haftung (gmbh) SWITZERLAND Lowenstrasse 32 Zurich SWITZERLAND 8001
Attorney of Record	Marilu Rodriguez-Bauer
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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


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





















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<input type="checkbox"/>		846-0809-0012	0809-0012	EnerSys	Cyclon Monobloc 6 Volt Pure Lead Batteries 6V 5.0Ah  	Page 2,060	In Stock Click to View	1: \$32.65 5: \$31.77 10: \$30.01 25: \$28.24 50: View	<input type="text"/>  Min.: 1 Mult.: 1	Not Applicable
<input type="checkbox"/>		846-0840-0004	0840-0004	EnerSys	Cyclon 2 Volt Pure Lead Batteries 2V 12.0Ah  	Page 2,060	In Stock Click to View	1: \$94.55 5: \$89.87 10: \$85.20 25: \$80.52 More:	<input type="text"/>  Min.: 1 Mult.: 1	Not Applicable

<input type="checkbox"/>	846-0800-0004	0800-0004	EnerSys	Cyclon 2 Volt Pure Lead Batteries 2V 5.0Ah  	Page 2,060	In Stock Click to View	1: \$15.08 5: \$13.86 10: \$13.04 25: \$12.63 50: View	 Min.: 1 Mult.: 1	Not Applicable
<input type="checkbox"/>	846-0819-0010	0819-0010	EnerSys	Cyclon Monobloc 4 Volt Pure Lead Batteries 4V 2.5Ah  	Page 2,060	In Stock Click to View	1: \$18.59 5: \$17.09 10: \$16.08 25: \$15.08 50: View	 Min.: 1 Mult.: 1	Not Applicable
<input type="checkbox"/>	846-0809-0010	0809-0010	EnerSys	Cyclon Monobloc 4 Volt Pure Lead Batteries 4V 5.0Ah  	Page 2,060	In Stock Click to View	1: \$28.77 5: \$26.44 10: \$24.88 25: \$23.33 50: View	 Min.: 1 Mult.: 1	Not Applicable
<input type="checkbox"/>	846-0810-0004	0810-0004	EnerSys	Cyclon 2 Volt Pure Lead Batteries 2V 2.5Ah  	Page 2,060	In Stock Click to View	1: \$10.23 5: \$9.38 10: \$8.87 25: \$8.48 50: View	 Min.: 1 Mult.: 1	Not Applicable
<input type="checkbox"/>	846-0859-0010	0859-0010	EnerSys	Cyclon Monobloc 4 Volt Pure Lead Batteries 4V 8.0Ah  	Page 2,060	In Stock Click to View	1: \$24.55 5: \$22.88 10: \$22.57 25: \$22.11 50: View	 Min.: 1 Mult.: 1	Not Applicable
<input type="checkbox"/>	846-0859-0012	0859-0012	EnerSys	Cyclon Monobloc 6 Volt Pure Lead Batteries 6V 8.0Ah  	Page 2,060	In Stock Click to View	1: \$41.73 5: \$38.24 10: \$36.05 25: \$33.65 More: Get Quote	 Min.: 1 Mult.: 1	Not Applicable
<input type="checkbox"/>	846-0819-0012	0819-0012	EnerSys	Cyclon Monobloc 6 Volt Pure Lead Batteries 6V 2.5Ah  	Page 2,060	In Stock Click to View	1: \$26.73 5: \$24.57 10: \$23.12 25: \$21.68 50: View	 Min.: 1 Mult.: 1	Not Applicable
									

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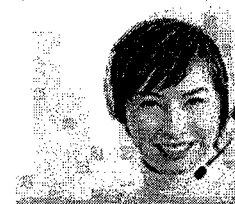


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ENERGY TECH

EnerSys Launches EcoSafe Batteries For Renewable Energy Generation Apps

by Staff Writers

Reading PA (SPX) Oct 06, 2008

EnerSys has significantly broadened its product support for the fast growing renewable energy market with the recent launch of its EcoSafe product line. EcoSafe batteries, which use lead, nickel and lithium technologies, were developed specifically for renewable energy storage applications, including solar, wind turbine and other electricity-generation alternatives.



"EcoSafe batteries are important for EnerSys," said John D. Craig, chairman, president and chief executive officer of EnerSys.

"They strengthen our position as a global leader in energy storage and position us at the center of an important and emerging sector of this market. The strong links that we have forged already with the renewable energy industry will help ensure that we continue to develop the technologies and the products needed for the future."

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EcoSafe products include an enhanced line of lead chemistry batteries, as well as batteries that employ nickel and lithium technologies. EcoSafe batteries offer a selection of energy storage solutions designed to meet the requirements of the latest renewable power-generating operations.

This year, EnerSys is investing in its worldwide manufacturing facilities to expand capacity of lead-based products, including its proprietary thin plate pure lead (TPPL) technology. Recent investments also led to new developments in nickel-based products for solar and wind turbine applications and developments in new lithium-based solutions.

These investments resulted in the acquisition and utilization of a comprehensive range of technologies, with particular attention paid to battery chemistry, manufacturing processes and quality control.

"We are seeing a broadening interest in all major energy storage technologies for renewable applications," Craig said.

"Our products and solutions are experiencing increased interest in a variety of applications from our customers, who are demanding more and larger energy storage components to make solar, wind turbine and other alternative electricity generation more productive for both in-grid and off-grid systems.

"We expect considerable growth for lead, nickel and lithium technologies and are committed to supplying solutions to meet our customers' growing needs. Our sales for renewable energy storage will be presented as focused solutions in the expanding EcoSafe product line."

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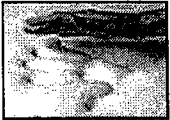
ENERGY TECH

New EU law demands more battery recycling



Brussels (AFP) Sept 26, 2008

New EU-wide rules to boost the collection and recycling of used domestic batteries came into force Friday to reduce the environmental and health hazards posed by mercury, lead, cadmium and other metals.



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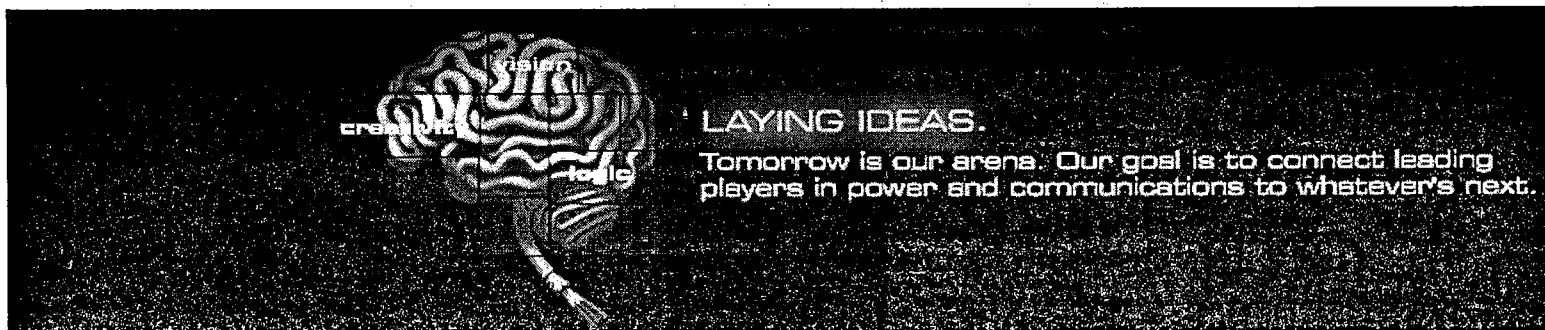
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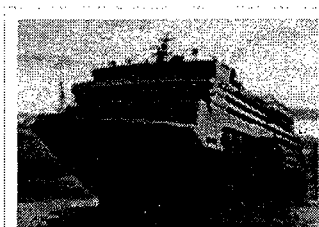
A leading player in the industry of high-technology cables and systems for energy and telecommunications, with sales exceeding 5 billion Euro in 2007, the Prysmian Group is a truly global Company, with subsidiaries in 36 countries, 54 plants in 21 countries, 7 Research & Development Centres and over 12,000 employees. [\(More\)](#)



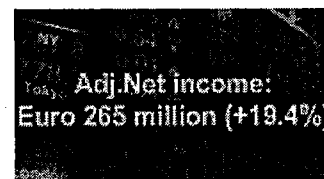
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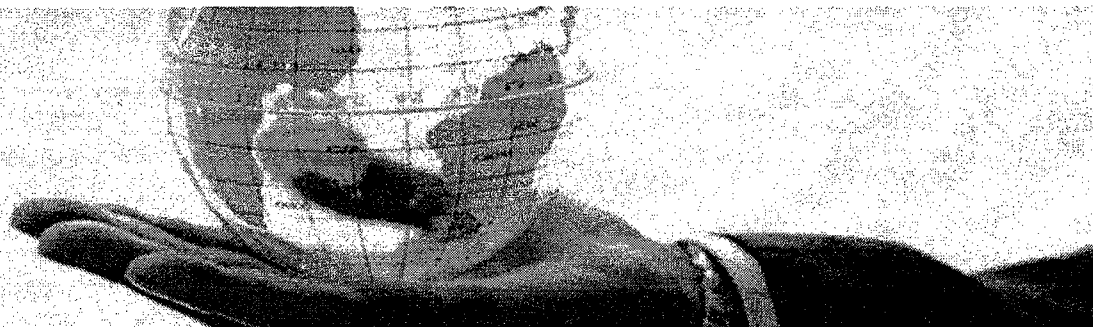
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Prysmian is the world's largest producer of energy cables, one of the world's largest manufacturers in the telecom cables market and, more specifically, the world's second largest producer of fibre optic cables and related accessories.

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- A power cable is an assembly of two or more electrical conductors, usually held together with an overall sheath. The assembly is used for transmission of electrical power. Power cables may be installed as permanent wiring within buildings, buried in the ground, run overhead, or exposed. ...
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- flexible insulated electric cable
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Noun 1. electrical cable - a cable that provides an electrical connection for telephone or television or power stations
☒ [transmission line](#), [cable](#), [line](#) - a conductor for transmitting electrical or optical signals or electric power



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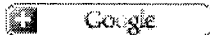
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1. A cable that provides an electrical connection for telephone or television or power stations

Derived forms: electrical cables

Type of: [cable](#), [line](#), [transmission line](#)

Encyclopedia: [Electrical cable](#)

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electric shaver
electric shock
electric socket
electric storm
electric switch
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electric toothbrush
electric typewriter
electrical
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Definition: electrical cable

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n : a cable that provides an electrical connection for telephone
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KAHLON

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Goods and Services

IC 009. US 021 023 026 036 038. G & S: Backup drives for computers; Batteries; Battery cables; Battery charge devices; Battery chargers; Blank electronic chip cards; Computer disc drives; Computer hardware; Computer memories; Computer memory hardware; Computer software for communicating with users of hand-held computers; Digital disc drives; Disc memories; Electric storage batteries; Electrical cells and batteries; Electrical storage batteries; Electronic memories; Flash memory card; Floppy discs drives for computers; Hard drives for computers; Memory boards; Memory cards; Memory expansion modules; Mobile telephone batteries; Nickel-cadmium storage batteries; RAM (Random Access Memory) card; Rechargeable electric batteries. FIRST USE: 19900101. FIRST USE IN COMMERCE: 19900101

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78831502

Filing Date March 7, 2006

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition April 17, 2007

Registration Number 3258071

Registration Date July 3, 2007

Owner (REGISTRANT) Kahlon, Inc. CORPORATION CALIFORNIA 1523 N Harmony Circle Anaheim CALIFORNIA 92807

Attorney of Record Morland C. Fischer

Type of Mark TRADEMARK

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GOBILE

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GOBILE

Goods and Services

IC 009. US 021 023 026 036 038. G & S: Antennas for wireless communications apparatus; Batteries; Battery cables; Battery cases; Battery charge devices; Battery chargers; Battery packs; Beeper carrying cases; Camera cases; Carrying cases for radio pagers; Carrying cases specially adapted for pocket calculators and cellphones; Cases for children's eye glasses; Cases for diskettes and compact disks; Cases for electronic diaries; Cases for mobile phones; Cases for photographic apparatus; Cases for pocket calculators; Cases for spectacles and sunglasses; Cases for spectacles, for pince-nez and for contact lenses; CD cases; Cell phone covers; Cellular telephone apparatuses; Decorative charms for cellular telephones; Devices for hands-free use of mobile phones; Ear phones; Electric storage batteries; Electrical cells and batteries; Electrical storage batteries; Emergency auto kits comprised of a hand held spotlight and battery charger; Headsets for telephones; Headsets for use with computers; Specialty holster for carrying CELLULAR PHONES, PAGERS, AND PERSONAL DIGITAL ASSISTANTS; Telephone headsets. FIRST USE: 20060701. FIRST USE IN COMMERCE: 20060701

**Standard
Characters
Claimed****Mark Drawing
Code** (4) STANDARD CHARACTER MARK**Serial
Number** 78971841**Filing Date** September 11, 2006**Current Filing
Basis** 1A**Original
Filing Basis** 1A**Published for
Opposition** May 1, 2007**Registration
Number** 3265088**Registration
Date** July 17, 2007**Owner** (REGISTRANT) GOBILE, INC CORPORATION NEW YORK 123 BAY 11TH STREET BROOKLYN NEW YORK 11228**Attorney of
Record** DYLAN W. CHAN, ESQ.**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead
Indicator** LIVE

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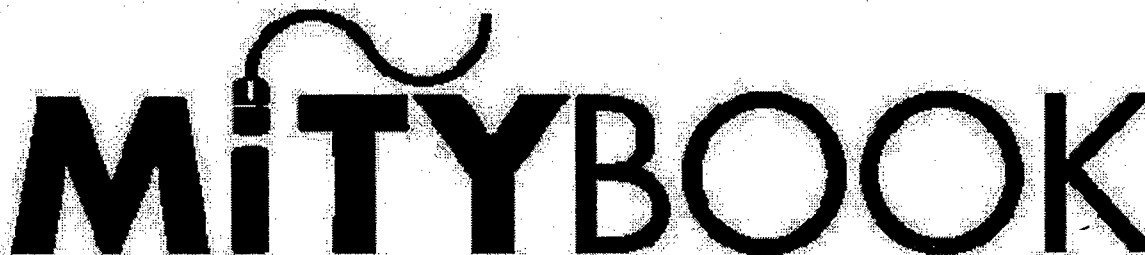
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MITYBOOK

Word Mark MITYBOOK

Goods and Services

IC 009. US 021 023 026 036 038. G & S: Adapter plugs; Adapter rings for attaching objectives on cameras; Amplifier for wireless communications; Antennas for radio, for television; Antennas for wireless communications apparatus; Audio equipment for vehicles, namely, stereos, speakers, amplifiers, equalizers, crossovers and speaker housings; Audio mixers; Audio speakers; Audio speaker enclosures; Batteries; Battery cables; Battery chargers; Blank CD-ROMs for sound or video recording; CD-ROM drives; CD Drives for computers; Computer cursor control devices, namely, light pens; Computer cursor control devices, namely, computer mouse; Computer hardware; Computer joysticks; Computer keypads; Computer memories; Computer networking hardware; Computer network hubs, switches and routers; Computer peripherals; Computer printers; Digital cameras; Digital phones; Electrical connectors; Handheld computers; Handheld personal computers; computer cases; Internet phones; Interface circuits for video cameras; Intercoms; Laptop carrying cases; Laptop computers; Modems; Multimedia projectors; Power cables; Printers; Printer hubs; Printer cables; Protective carrying cases for portable music players namely MP3 players; Scanners; Sound

cards; Speakerphones; USB (universal serial bus) hardware; VCD machines; Video cameras; Voltage surge protectors; Voltage surge suppressors; Wireless computer peripherals; Internet Phone Camera; Notebook Computer; Liquid Crystal Display Television; Television; Desktop Computer. FIRST USE: 20060200. FIRST USE IN COMMERCE: 20060200

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 15.05.08 - Computer mouse; Mouse, computer
27.03.05 - Objects forming letters or numerals

Serial Number 78921604

Filing Date July 1, 2006

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition December 26, 2006

Registration Number 3218109

Registration Date March 13, 2007

Owner (REGISTRANT) MTS Products CORPORATION CALIFORNIA 10671 Lanark Street Sun Valley CALIFORNIA 91352

Description of Mark The mark consists of MITYBOOK and design, wherein the letter "I" of the word MITYBOOK is in stylized format whereas the dot on the letter "I" is design of a mouse having a portion of the mouse wire protruded therefrom.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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[NEXT DOC](#) [LAST DOC](#)[Logout](#) Please logout when you are done to release system resources allocated for you.[Start](#) List At: OR [Jump](#) to record: **Record 83 out of 522**[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)**BALANCE**
Balance Digital TechnologyWord Mark
Goods and Services

BALANCE BALANCE DIGITAL TECHNOLOGY

IC 009. US 021 023 026 036 038. G & S: Adapter plugs; Adapter rings for attaching objectives on cameras; Amplifier for wireless communications; Antennas for radio, for television; Antennas for wireless communications apparatus; Audio equipment for vehicles, namely, stereos, speakers, amplifiers, equalizers, crossovers and speaker housings; Audio mixers; Audio speakers; Audio speaker enclosures; Batteries; **Battery cables**; Battery chargers; Blank CD-ROMs for sound or video recording; CD-ROM drives; CD Drives for computers; Computer cursor control devices, namely, light pens; Computer cursor control devices, namely, computer mouse; Computer hardware; Computer joysticks; Computer keypads; Computer memories; Computer networking hardware; Computer network hubs, switches and routers; Computer peripherals; Computer printers; Digital cameras; Digital phones; Electrical connectors; Handheld computers; Handheld personal computers; computer cases; Internet phones; Interface circuits for video cameras; Intercoms; Laptop carrying cases; Laptop computers; Modems; Multimedia projectors; Power cables; Printers; Printer hubs; Printer cables; Protective

carrying cases for portable music players namely MP3 players; Scanners; Sound cards; Speakerphones; USB (universal serial bus) hardware; VCD machines; Video cameras; Voltage surge protectors; Voltage surge suppressors; Wireless computer peripherals; Internet Phone Camera; Notebook Computer; Liquid Crystal Display Television; Television; Desktop Computer. FIRST USE: 20030700. FIRST USE IN COMMERCE: 20030700

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.05.03 - Incomplete triangles (must have two angles); Triangle, incomplete (two angles)
26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters
27.03.01 - Geometric figures forming letters, numerals or punctuation

Trademark Search Facility Classification Code SHAPES-BAR-BANDS Designs with bar, bands or lines
SHAPES-TRIANGLES Triangular shaped designs and marks including incomplete triangles

Serial Number 78887336

Filing Date May 18, 2006

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition July 10, 2007

Registration Number 3297751

Registration Date September 25, 2007

Owner (REGISTRANT) MTS Products CORPORATION CALIFORNIA 10671 Lanark Street Sun Valley CALIFORNIA 91352

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DIGITAL TECHNOLOGY" APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark. The mark consists of a stylized word "BALANCE" in which the letter "A" between the letters "L" and "N" is replaced by a bar having a upward pointing triangular shaped center; and the wordings "Balance Digital Technology" is disposed evening beneath the stylized word "BALANCE".

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark

GMP GREAT MARS POWER

Goods and Services

IC 009. US 021 023 026 036 038. G & S: Nickel-metal hydride batteries; lithium batteries; batteries; accumulators being batteries; batteries for vehicles; battery cables; battery cases; battery chargers; electric storage batteries; electrical cells and batteries; mobile telephone batteries; nickel-cadmium storage batteries; rechargeable electric batteries. FIRST USE: 20030501. FIRST USE IN COMMERCE: 20070520

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

26.01.12 - Circles with bars, bands and lines

26.01.21 - Circles that are totally or partially shaded.

Trademark Search

LETTER-3-OR-MORE GMP Combination of three or more letters as part of the mark

Facility Classification Code SHAPES-ASTRO Astronomical shapes consisting of celestial bodies, globes and geographical maps
SHAPES-BAR-BANDS Designs with bar, bands or lines
SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles

Serial Number 78850760

Filing Date March 31, 2006

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition December 26, 2006

Registration Number 3327596

Registration Date October 30, 2007

Owner (REGISTRANT) GREAT MARS POWER, INC. CORPORATION CALIFORNIA 55 RODGERS STREET SAN FRANCISCO CALIFORNIA 94103

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "POWER" APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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EXHIBIT I



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**Kevin
Casey**

Owner, Stradley Ronon

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complete [Edit]

Companies

Prysmian

Prysmian Cables and Systems engages in the design, development, manufacture, supply, and installation of cables for applications in the energy and telecommunication industries in Europe, the United States, and South America. Its Energy Cables & Systems division manufactures and installs products and related accessories for the underground and submarine transmission and distribution of energy in the form of electricity. This division offers submarine power systems, power transmission systems, power distribution cables, and network components for utilities; residential and commercial building electricity distribution cables to contractors and distributors in the trade and installers market; and customized products used for various specialty applications by customers in the appliance, automotive, chemical, electrical equipment, infrastructure, mining, oil and gas, and shipbuilding industries. The company's Telecom Cables & Systems division installs fiber-optic cables for voice, data, video, and control applications, as well as broadband connectivity components and accessories. This division manufactures optical fiber used in the production of fiber-optic cables, as well as manufactures, distributes, and installs copper telecom cables. Prysmian also produces and supplies related components and accessories for cable systems, as well as provides product and system design, coordination and project management, project realization, and installation and post-installation maintenance services. The company was founded in 1879 and is based in Moscow, Russian Federation. Prysmian Cables and Systems is a subsidiary of Prysmian (LUX) II S.a.r.l. [see less](#)

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Last edited by: Operations - Investme

Related Companies

 Career path for Prysmian employees
before:

Pirelli

Pirelli Cables

 Prysmian employees are most connected to
Pirelli

Pirelli Tyres

Same Deutz-Fahr Group

SDA Bocconi

Key Statistics

Top Locations

Sydney Area, Australia (25)
**Southampton, United
Kingdom (15)**
Barcelona Area, Spain (13)
**Columbia, South Carolina
Area (13)**
Milan Area, Italy (157)

EXHIBIT J

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<u>In re</u> Application)	<u>TRADEMARK APPLICATION</u>
)	
Applicant:)	
)	Law Office 110
SC/Serial No.:)	
)	Trademark Attorney:
Filed:)	Sanjeev K. Vohra
)	
Mark:)	
)	
Classes:)	
)	

Declaration in Support of Registration

I, Elliott J. Stein, do declare that:

1. I submit this declaration in support of registration of the trademark "ECOSAFE" by EH Europe G.m.b.H. (the "Applicant") specifying "Electrochemical cells and batteries; batteries for use in storage of electrical energy produced from renewable sources, namely, wind, wave, solar or geothermal energies" in International Class 009 (Ser. No. 77/374,121; the "Application"). I serve as counsel to the Applicant.
2. In the Office Action, the Examiner has refused registration of the Applicant's mark, "ECOSAFE" ("Applicant's Mark") under Section 2(d) of the Trademark Act, asserting that the Applicant's Mark is confusingly similar to that assigned U.S. Registration No. 2,744,511 for "ECOSAFE" (the "Cited Mark").
3. The batteries referred to in the Application would be sold to manufacturers and distributors of equipment generating electricity from wind, wave, solar or

geothermal energies and to the consumers buying such equipment. Since each such piece of equipment will have specifications, the purchaser will necessarily be well versed in the specific type and source of batteries needed.

4. The owner of the Cited Mark, on the other hand, uses the Cited Mark to describe specialized cables and cable systems that are embedded in cable trays in buildings, under the ground and under water. These cables and cable systems are designed to operate in enclosed areas within and around commercial and industrial facilities and to be flame retardant without presenting toxic gases, if and when set aflame. (See, Attachment A)
5. These products are high-voltage cables and cable systems – 600 volts to 2 kilovolts – which could not and would not be connected to batteries like those described in the Application even if the architects, building and civil engineers and contractors became aware of them.
6. The goods described in the Application (“Electrochemical cells and batteries; batteries for use in storage of electrical energy produced from renewable sources, namely wind, wave, solar or geothermal energies”) are quite different from the specialized cables and cable systems bearing the Cited Mark. Since the products bearing the Cited Mark are high-voltage cables and cable systems designed for specialized uses, they would not even be compatible with, adaptable to or have any application with the Applicant’s goods.
7. Applicant’s goods will be purchased by manufacturers of machines producing electricity from the wind, waves, the sun or geothermal sources and the consumers who purchase such equipment while the custom cables and cable

systems sold by the owner of the Cited Mark are purchased by architects, building and civil engineers and contractors. The buyers of products bearing the Applicant's Mark would have no need for the specialized cables bearing the Cited Mark and the buyers of the products bearing the Cited Mark would have no need for the batteries bearing the Applicant's Mark.


8. The Applicant is part of the EnerSys group of companies, a world leader in stored energy solutions. As such, its products are highly recognizable and easily distinguished from the cables and cable systems market under the Cited Mark.
9. Both the manufacturers and distributors of equipment generating electricity from wind, wave, solar or geothermal energies and the consumers buying such equipment (buyers of Applicant's products) and the architects, building and civil engineers and contractors who might purchase the specialized cables (buyers of Products bearing the Cited Mark) must, necessarily, be highly educated buyers – educated as to their industries and the their specific product needs – and must be viewed as sophisticated buyers. Neither group can be deemed to be “impulse buyers.”
10. There is no suggestion that the Cited Mark can be viewed as “famous.” In fact, the owner of the Cited Mark recently (expressly) abandoned an application for a similar mark – U.S. Serial No. 77/415,142 .
11. The Applicant has the right to exclude others from using the mark “ECOSAFE” to describe “Electrochemical cells and batteries; batteries for

use in storage of electrical energy produced from renewable sources, namely, wind, wave, solar or geothermal energies”.

12. Any likelihood of any confusion between the Applicant's Mark and the Cited Marks is de minimis.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any resulting registration, declares that the facts set forth in this application are true; all statements made are of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

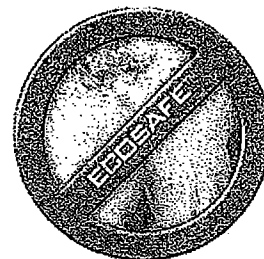
Dated: September 26, 2008



Elliott J. Stein

Attachments:

Exhibit A - Description of Prysmian Cables & Systems



Low Smoke

Zero Halogen

Flame Retardant

Why Wait For Disaster To Strike?

The wrong low voltage power cable installed in an enclosed area can pose severe risks to personnel and equipment. In the unfortunate event of a fire, some cable insulating materials release halogen gases and large amounts of smoke which can fatally injure personnel. Additionally, these same toxic gases can be extremely corrosive to sensitive electronic equipment. If disaster strikes, the wrong cable can cost companies millions of dollars in damages, and may even cost lives.

Do your cables fit into this category? Chances are, the answer is YES. Whether you're using PVC, CPE, or CSPE (Hypalon†), you may be putting equipment and personnel at risk. Over the past twenty years, Prysmian has initiated a worldwide effort to eliminate this very real hazard to our customers. Our years of research have culminated in new, cost competitive, low smoke non-halogenated materials which can be used as a direct replacement for your current low voltage products. Prysmian's EcoSafe™ cable design utilizes a thermoset, insulating compound called Afumex™. This dual layer insulation system features the following key characteristics:

- 90°C Wet or Dry Operation
- Flame Retardant
- Low Smoke Evolution
- Non-Halogenated Compounds
- Oil Resistant
- Sunlight Resistant
- Low Coefficient of Friction
- Fully Colorable Outer Layer

Where Is EcoSafe™ Installed?

- 600 Volt and 2kV Applications
- Cable Tray and Raceway
- Service Entrance
- Commercial Buildings
- Transit Systems
- Tunnels
- Central Office
- Downtown Networks

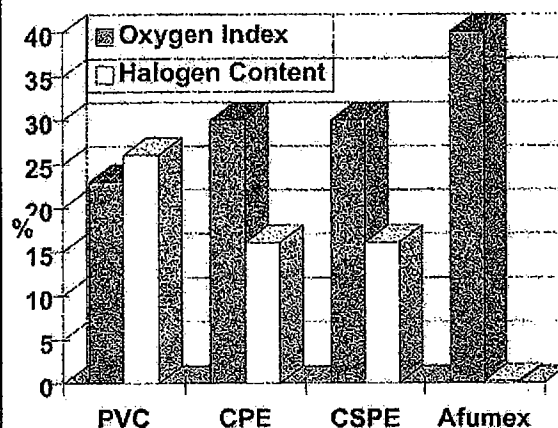
Rated to meet your needs...

CSA Ratings:	RW90
UL Ratings:	Type RHH/RHW-2/USE-2
	Low Smoke (LS)
	Oil Resistant II
	Sunlight Resistant
Bellcore:	GR-347-CORE
ICEA:	S-95-658
	S-105-692

Consider the Benefits...

Historically, the mechanism by which an insulating material achieved its flame retardant property was a reaction between by-products of the combustion process and halogen elements inherent to the material itself. Prysmian, realizing the harmful results of this reaction, explored new flame retardant materials that did not incorporate the use of halogen compounds, yet still achieved a high Oxygen Index required for flame retardant cables.

Tensile Strength:	1900 p.s.i.
Elongation:	200%
Hardness:	92A
Oxygen Index:	>40%
Halogen Content:	<0.2%



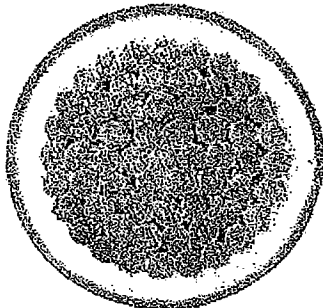
†Hypalon is a registered trademark of the DuPont Corporation

— Exhibit A —

Consider the value...

Fire Resistance

Cables installed in cable trays have a high exposure to flame in the event of a fire. In such applications, it is imperative to have an insulation system which will not readily allow fire to propagate along its length. Such propagation could lead to costly equipment damage, extensive cable replacement and loss of life. Prysmian's Afumex™ insulation is a dual layer system optimized for flame retardant properties.



Several industry standards have been developed which measure the relative combustibility of insulation systems when subjected to various thermal sources. Prysmian's new EcoSafe™ cables are designed to meet some of the industry's most stringent flame tests including:

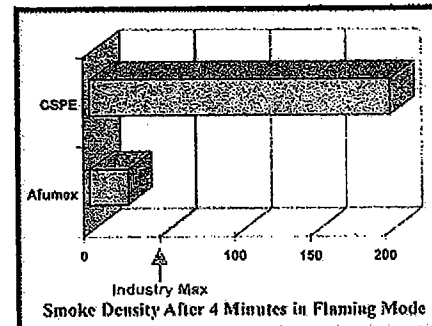
IEEE 383	UL CT-Rating
IEEE 1202	CSA FT-4
UL VW-1	CSA FT-1

Corrosive Gas Emission

When power cables burn, the cost of cable replacement is an obvious concern. However, there are less apparent, but even more costly, concerns to be considered. Expensive electronic equipment (in areas unaffected by flame) may be severely damaged by corrosive gases. In particular, chlorine, used in many power cable insulating materials, forms an extremely destructive gas when burned. Even some types of structural corrosion have been traced back to large amounts of chlorine and other halogen gases emitted during building fires. Because Prymian's EcoSafe™ cables do not contain any halogens, corrosive gases will not be emitted during combustion. Therefore, surrounding equipment and structures will not fall victim to the harmful after-effects of a cable fire.

Smoke Generation

In the event of a fire, personnel safety should be the NUMBER ONE concern. Heavy smoke in enclosed areas is usually the leading cause of injury or death in most building or tunnel fires. It is imperative, therefore, that any potential sources of smoke generation be eliminated. The industry standard measurement in this regard is the NBS Smoke Chamber test. Prysmian's EcoSafe™ design emits approximately 50% less smoke than the industry recognized 'low smoke' requirement. This easily earns an 'LS' rating in accordance with UL 1685 as well as a 'low smoke' qualification in accordance with ICEA T-33-655.

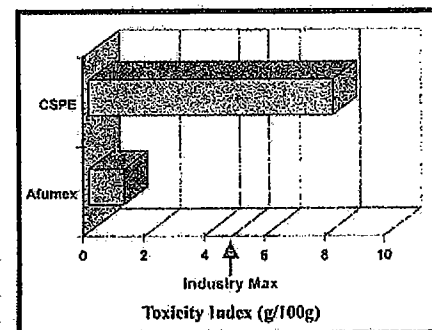


Ease of Installation

Traditional low voltage power cables utilize elastomer-based jacketing materials which have extremely high coefficients of friction. Prysmian has solved this problem by applying a special coating to our cables after extrusion. This results in a cable with a slick, non-greasy surface which is much easier to install than traditional, 'previous generation', power cables.

Toxic Gas Emission

Just as halogen gases are highly corrosive, they are also highly toxic to personnel. In enclosed areas such as tunnels, vaults, and commercial buildings, it is especially important to protect the public from this hazard. Therefore, choosing a cable system, which contains no halogens, can actually save lives.



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1-800-845-8507
www.prysmianusa.com



425 St-Louis
St-Jean-sur-Richelieu, Quebec J3B1Y6
1-800-263-4405 (West)
1-800-361-1418 (East)
www.prysmiancanada.com



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Who is Prismian

Prismian is market leader and "Innovation driver" in all major Energy and Telecom cables business activities.

Prismian produces electrical cables - from extremely high to very low voltage, for land, submarine and overhead applications - along with a vast range of accessories, and is the leader in turn-key projects of both underground and submarine cable links.

The development of materials, designs and processes enables Prismian to offer a wide range of standard and specialist products for highly diverse applications. Prismian is also the leader in cable products for critical applications (resistance to extremely high temperatures, fire, chemical agents and nuclear radiation).

Prismian ranks as one of the world's leading producers of Optical Fibres and Telecommunication Cables. With multiple production facilities worldwide Prismian supplies a comprehensive portfolio of state-of-the-art products into the telecoms industry:- Optical Fibre (G 651, G 652, G 655), Optical Cable, Sirocco Blown Fibre System, Copper Cable, Premises/Data Cable & Connectivity Hardware.

Main strengths of Prismian

Prismian, formerly belonging to Pirelli, has for more than a century grown as a truly multinational corporation, deeply rooted in all local markets throughout the world and has built upon his core sectors. It has achieved this position thanks to its geographical presence (52 plants in 21 countries and 5 continents); its outstanding human potential (more than 12000 people); its solid financial position (a t/o of almost 3 €b in 2004) and its technical and managerial capability (thousands of intellectual property registrations since 1999).

Prismian's main focus for future growth

Prismian technological and research capability in terms of professional skills and resources will continue to be a great source of strength. This, coupled with customer close involvement and compliance with their requirements, enables Prismian to manufacture and market high, high quality products and operate successfully from its bases around the world. Prismian's priority is aimed at reducing the environmental impact of its processes and products. The management objective is focused on the achievement of an effective balance between personal accountability and team-work, central guidance and local operating responsibility.

Prismian's mission

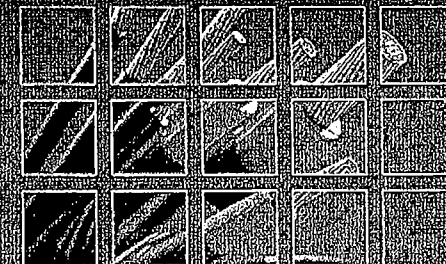
This framework will enable Prismian to finance a continuous growth through positive profit generation, in the interest of shareholders, customers and employees.

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Description

Single conductor 2kV RHH/RHW-2/LS non-halogenated cable with stranded copper conductors, extruded insulation system consisting of a thermosetting polyolefin inner insulation (natural color), and a thermosetting polyolefin outer insulation (colorable).

Specifications

Ratings

ICEA ICEA S-95-658	Type II EPR
ICEA ICEA S-29-520	210,000 Btu Vertical Flame Test (1/0 AWG and Larger)
UL UL 44	Type RHH-RHW-2, Class XL LS (Low Smoke) VW-1 For CT USE (1/0 AWG and Larger) Oil Resistance II Sunlight Resistant
UL UL Subject 758	AWM 105°C (Style 3167 and 3578)

Specifications

Ratings (continued)

UL UL Subject 509	Miscellaneous Wire for Telephone Central Office
IEEE IEEE 1202 Flame Test	(1/0 AWG and Larger)
IEEE IEEE 383 Flame Test	(1/0 AWG and Larger)
CSA CSA C22.2 No. 0.3	FT-1 (#6 AWG and Larger) FT-4
CSA CSA C22.2 No. 210.2	AWM Class I, Group A/B, Rated 105°C
Belcore GR-347-CORE	
Lucent WP-93811	

90°C Wet or Dry Operation.

Design Parameters

Conductor

- Annealed, Class B, concentric compressed, round, bare copper strand as standard. Other optional strandings per ASTM are available for increased flexibility.








Insulation

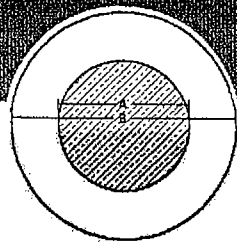
- A dual-layer product where the inner and outer layers are co-extruded, resulting in a tightly bonded system. The inner layer utilizes an EPR-based compound and is optimized for superior electrical properties. The outer layer is EVA-based and is specifically formulated to provide a rugged outer covering, with the additional benefits of limited-smoke and halogen-free materials. Both layers are cross-linked polyolefins.

Options

- Colorable jacket, solid or with tracers: gray, red, blue, green and black
- Class C, Class D, Class G and Class I conductor strandings per ASTM
- Tin-coated conductor

Installations

 Conduit in Air	 Direct Buried
 Underground Duct	 In Cable Tray
 Wet Locations	 Dry Locations
 Isolated in Air	



ECOSAFE™

2kV

Product Number	†Conductor	Insulation Thickness (mils)		Conductor Diameter		Overall Diameter		Cable Weight (lbs/100ft)	† Ampacity (Amperes)
		(A)	(B)	(A)	(B)	(A)	(B)		
		(in.)	(mm)	(in.)	(mm)	(in.)	(mm)	90°C in Free Air	
600 Volt Copper									
QH0840A	8 AWG CU	70	0.143	3.63	0.81	7.87	9.1	80	
QH1840A	6 AWG CU	70	0.180	4.57	0.34	8.64	127	105	
QH2840A	4 AWG CU	70	0.226	5.74	0.89	9.91	133	140	
QH4840A	2 AWG CU	70	0.284	7.21	0.45	11.43	270	190	
QH6840A	1 AWG CU	90	0.324	8.23	0.53	13.46	349	220	
QH8840A	1/0 AWG CU	90	0.364	9.25	0.57	14.48	425	260	
QH9840A	2/0 AWG CU	90	0.408	10.38	0.61	15.49	520	300	
QHA840A	3/0 AWG CU	90	0.458	11.63	0.66	16.76	638	350	
QHB840A	4/0 AWG CU	90	0.515	13.08	0.72	18.29	786	405	
QHC840A	250 MCM CU	100	0.561	14.25	0.79	20.07	934	455	
QHD840A	350 MCM CU	100	0.664	16.87	0.89	22.61	267	570	
QHE840A	500 MCM CU	100	0.794	20.17	1.03	26.16	1761	700	
QHF840A	750 MCM CU	120	0.974	24.74	1.24	31.50	2614	885	
QHG840A	1000 MCM CU	120	1.124	28.55	1.39	35.31	3430	1055	

PRODUCT NOTES:

▲ Items are Prysmian authorized stock.
The above dimensions are approximate and subject to normal manufacturing tolerances.
All metric (SI) dimensions are derived from a soft conversion.
Insulation thickness shown per ICEA S-95-658.

†Ampacities are based on the following:

In Free Air (NEC Table 310-17): Single-insulated conductor, 90°C conductor operating temperature, and 30°C ambient temperature.
In Cable Tray (NEC Article 318-11): For single-conductor cables installed in accordance with NEC Article 318-9, ampacities shall not exceed the allowable ampacities stated in NEC Table 310-17.

Information Subject to Change without Notice.



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Current Search: S14: (ecosafe)[COMB] docs: 31 occ: 64

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	78903647		ECOSAFE/ÉCOLOGIQUE NON OZONE DEPLETING NE DÉTRUIT PAS I OZONE	TARR	DEAD
2	78968119	3403660	ECOSAFE	TARR	LIVE
3	78594688	3073320	ECOSAFE	TARR	LIVE
4	78588366	3084982	ECOSAFE BIODEGRADABLE * PLASTIC	TARR	LIVE
5	78051453	2695700	ECOSAFE	TARR	LIVE
6	78034924	2716541	ECOSAFE TOTALLY DEGRADABLE PLASTIC	TARR	LIVE
7	78034745	2953820	ECOSAFE BIODEGRADABLE PLASTIC	TARR	LIVE
8	77374121 <i>us</i>		ECOSAFE	TARR	LIVE
9	77581812		ECOSAFE PREMIUM FOAM	TARR	LIVE
10	77558674 <i>us</i>		ECOSAFE	TARR	LIVE
11	77415142		ECOSAFE	TARR	DEAD
12	77154119		ECOSAFESPAS	TARR	DEAD
13	76375567 <i>us</i>	2744511	ECOSAFE	TARR	LIVE
14	76495823		ECOSAFE CAN	TARR	DEAD

15	76279023	2908981	ECOSAFE	TARR	LIVE
16	75832159	2440387	ECOSAFE	TARR	DEAD
17	75982843	2684835	ECOSAFE TOTALLY DEGRADABLE PLASTIC	TARR	LIVE
18	75583953	2318583	ECOSAFE	TARR	LIVE
19	75429898		ECOSAFE	TARR	DEAD
20	75217087	2410940	ECOSAFE	TARR	DEAD
21	75200435	2354311	ECOSAFE	TARR	DEAD
22	74631665		ECOSAFE	TARR	DEAD
23	74539997		ECOSAFE	TARR	DEAD
24	74539996		ECOSAFE	TARR	DEAD
25	74264398		ECOSAFE	TARR	DEAD
26	74121854		ECOSAFE	TARR	DEAD
27	74113140		ECOSAFE	TARR	DEAD
28	74109112		ECOSAFE	TARR	DEAD
29	73766213	1544171	ECOSAFE	TARR	DEAD
30	73746147	1536977	ECOSAFE	TARR	DEAD
31	73722915	1516221	ECOSAFE	TARR	DEAD

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[Start](#) List At: OR [Jump](#) to record: **Record 2 out of 31**[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)**ECOSAFE**Word Mark **ECOSAFE**

Goods and Services IC 012. US 019 021 023 031 035 044. G & S: Passenger car and light truck tires. FIRST USE: 20070215. FIRST USE IN COMMERCE: 20070215

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 01.07.01 - Globes with outlines of continents
26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters
27.03.05 - Objects forming letters or numerals

Trademark Search

Facility Classification Code SHAPES-ASTRO Astronomical shapes consisting of celestial bodies, globes and geographical maps
Serial Number 78968119
Filing Date September 6, 2006
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition April 24, 2007
Registration Number 3403660
Registration Date March 25, 2008
Owner (REGISTRANT) American Pacific Industries, Inc. CORPORATION CALIFORNIA Suite 200 27413 Tourney Road Valencia CALIFORNIA 91355
Attorney of Record Stephanie K. Wade
Description of Mark Color is not claimed as a feature of the mark.
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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[Start](#) List At: OR [Jump](#) to record: **Record 3 out of 31**[TARR Status](#)[ASSIGH Status](#)[TDR](#)[TTAB Status](#)*(Use the "Back" button of the Internet Browser to return to TESS)***ECOSAFE****Word Mark**
Goods and
Services**ECOSAFE**

IC 006. US 002 012 013 014 023 025 050. G & S: bag dispensers made of metal. FIRST USE: 20030200. FIRST USE IN COMMERCE: 20040600

IC 016. US 002 005 022 023 029 037 038 050. G & S: Disposable plastic goods, namely general purpose bags, grocer bags, merchandise bags, garbage and trash bags, sandwich bags, food storage bags for household use, bags for merchandise packaging, shopping bags, lawn and leaf bags, compost bags, and bags for pet waste; degradable, biodegradable and compostable general purpose bags, grocer bags, merchandise bags, garbage and trash bags, sandwich bags, food storage bags for household use, bags for merchandise packaging, shopping bags, lawn and leaf bags, compost bags, and bags for pet waste. FIRST USE: 20010200. FIRST USE IN COMMERCE: 20010200

Standard

Characters**Claimed**

Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78594688
Filing Date	March 24, 2005
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	January 3, 2006
Registration Number	3073320
Registration Date	March 28, 2006
Owner	(REGISTRANT) Plastic Solutions Inc. CORPORATION WASHINGTON Second Floor, 761 Cardero Street Vancouver CANADA V6G 2G3
Attorney of Record	Jennifer L. Jolley
Prior Registrations	2684835;2716541
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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to record:

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Word Mark

ECOSAFE BIODEGRADABLE * PLASTIC

Goods and Services

IC 016. US 002 005 022 023 029 037 038 050. G & S: Disposable plastic goods, namely general purpose bags, grocer bags, merchandise bags, garbage and trash bags, sandwich bags, food storage bags for household use, bags for merchandise packaging, shopping bags, lawn and leaf bags, compost bags, and bags for pet waste; degradable, biodegradable and compostable general purpose bags, grocer bags, merchandise bags, garbage and trash bags, sandwich bags, food storage bags for household use, bags for merchandise packaging, shopping bags, lawn and leaf bags, compost bags, and bags for pet waste. FIRST USE: 20030300. FIRST USE IN COMMERCE: 20030300

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

01.07.01 - Globes with outlines of continents
27.03.05 - Objects forming letters or numerals

Serial Number 78588366
Filing Date March 16, 2005
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition January 31, 2006
Registration Number 3084982
Registration Date April 25, 2006
Owner (REGISTRANT) Plastics Solutions Inc. CORPORATION NEVADA Second Floor, 761 Cardero Street Vancouver CANADA V6G 2G3
Attorney of Record Jennifer L. Jolley
Prior Registrations 2684835;2716541
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BIODEGRADABLE PLASTIC" APART FROM THE MARK AS SHOWN
Description of Mark The stippling is a feature of the mark.
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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[Jump](#)to record: **Record 5 out of 31**[TARR Status](#)[ASSIGH Status](#)[TDR](#)[TTAB Status](#)*(Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing**

Word Mark	ECOSAFE
Goods and Services	IC 002. US 006 011 016. G & S: paints, primers, and undercoatings for surfaces to be painted, all for use on vehicles. FIRST USE: 19920300. FIRST USE IN COMMERCE: 19920600
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78051453
Filing Date	March 5, 2001
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	December 17, 2002
Registration Number	2695700
Registration Date	March 11, 2003
Owner	(REGISTRANT) Imperial, Inc. CORPORATION WISCONSIN 789 Packer Drive Green Bay WISCONSIN 54304
Assignment	

Recorded ASSIGNMENT RECORDED
Attorney of Record Chuan Sun
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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to record:

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**Word Mark
Goods and
Services****ECOSAFE TOTALLY DEGRADABLE PLASTIC**

IC 016. US 002 005 022 023 029 037 038 050. G & S: Disposable plastic goods, namely general purpose bags, grocer bags, merchandise bags, garbage and trash bags, sandwich bags, food storage bags for household use, disposable diapers, blister cards, trash can container liners, industrial wrap, commercial wrap, food wrap, bubble wrap for packaging, credit cards, table mats made of paper, table cloths and table napkins all made of paper. FIRST USE: 20010200. FIRST USE IN COMMERCE: 20010200

IC 024. US 042 050. G & S: Table mats, table cloths and table napkins not made of paper. FIRST USE: 20010200. FIRST USE IN COMMERCE: 20010200

**Mark Drawing
Code**

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 01.07.01 - Globes with outlines of continents
Serial Number 78034924
Filing Date November 13, 2000
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition January 22, 2002
Registration Number 2716541
Registration Date May 13, 2003
Owner (REGISTRANT) Plastics Solutions Inc. CORPORATION NEVADA 720 Third Avenue Suite 2015 Seattle WASHINGTON 98104
Attorney of Record Jennifer L. Jolley
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TOTALLY DEGRADABLE PLASTIC" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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ECOSAFE BIODEGRADABLE PLASTIC

Word Mark ECOSAFE BIODEGRADABLE PLASTIC
Goods and Services IC 008. US 023 028 044. G & S: DISPOSABLE PLASTIC TABLEWARE, NAMELY, KNIVES, FORKS, SPOONS. FIRST USE: 20030528. FIRST USE IN COMMERCE: 20030528
IC 024. US 042 050. G & S: DISPOSABLE TABLE MATS, TABLE CLOTHS AND TABLE NAPKINS NOT MADE OF PAPER, DISPOSABLE PLASTIC COASTERS. FIRST USE: 20030528. FIRST USE IN COMMERCE: 20030528
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78034745
Filing Date November 10, 2000
Current Filing Basis 1A
Original Filing Basis 1B
Supplemental Register Date June 1, 2003
Registration Number 2953820
Registration Date May 17, 2005
Owner (REGISTRANT) Plastics Solutions Inc. CORPORATION NEVADA 720 Third Avenue, Suite 2015 Seattle WASHINGTON 98104
Attorney of Record MARK I. PEROFF
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BIODEGRADABLE PLASTIC" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register SUPPLEMENTAL
Live/Dead Indicator LIVE

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Ecosafe Premium Foam

Word Mark	ECOSAFE PREMIUM FOAM
Goods and Services	IC 017. US 001 005 012 013 035 050. G & S: Building insulation. FIRST USE: 20080900. FIRST USE IN COMMERCE: 20080900
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77581812
Filing Date	September 30, 2008
Current Filing Basis	1A

Original Filing Basis 1A
Owner (APPLICANT) Ecosafe Insulation, Inc. CORPORATION KENTUCKY 701 Dover Road Grand Rivers KENTUCKY 42045
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark	ECOSAFE
Goods and Services	IC 001. US 001 005 006 010 026 046. G & S: CHEMICALS, NAMELY, COLLOIDAL-BASED COMPOSITIONS FOR USE IN ENVIRONMENTAL REMEDIATION, NAMELY, SOIL, WASTE AND WATER TREATMENT. FIRST USE: 19950920. FIRST USE IN COMMERCE: 19950920
	IC 040. US 100 103 106. G & S: ENVIRONMENTAL REMEDIATION SERVICES, NAMELY, SOIL, WASTE AND/OR WATER TREATMENT SERVICES. FIRST USE: 19950920. FIRST USE IN COMMERCE: 19950920
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76279023
Filing Date	July 2, 2001
Current Filing Basis	1A
Original Filing Basis	1B

Published for Opposition January 6, 2004
Registration Number 2908981
Registration Date December 7, 2004
Owner (REGISTRANT) DETORRES, FERNANDO A. INDIVIDUAL UNITED STATES 2013 Twin Bridge Ct. Ocala FLORIDA 34471
Attorney of Record Edward M. Livingston
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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to record:

Record 17 out of 31[TARR Status](#)[ASSIGH Status](#)[TDR](#)[TTAB Status](#)*(Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing****Word Mark** ECOSAFE TOTALLY DEGRADABLE PLASTIC**Goods and Services** IC 016. US 002 005 022 023 029 037 038 050. G & S: DISPOSABLE PLASTIC GOODS, NAMELY GENERAL PURPOSE COMPOST BAGS; PLASTIC PRODUCE BAGS; GROCERY BAGS; PLASTIC BAGS FOR MERCHANDISE PACKAGING; GARBAGE BAGS; TRASH BAGS; SANDWICH BAGS; FOOD STORAGE BAGS FOR HOUSEHOLD USE; DISPOSABLE DIAPERS; BLISTER CARDS; TRASH CAN CONTAINER LINERS; PLASTIC FILM FOR INDUSTRIAL AND COMMERCIAL WRAP; FOOD WRAP; PLASTIC BUBBLE PACKS FOR WRAPPING OR PACKAGING; CREDIT CARDS; TABLE MATS MADE OF PAPER; TABLE CLOTHS AND TABLE NAPKINS ALL MADE OF PAPER. FIRST USE: 20010200. FIRST USE IN COMMERCE: 20010200**Mark Drawing Code** (1) TYPED DRAWING**Serial Number** 75982843**Filing Date** November 10, 2000**Current Filing Basis** 1A**Original Filing Basis** 1B

Supplemental Register Date July 17, 2002
Registration Number 2684835
Registration Date February 4, 2003
Owner (REGISTRANT) Plastics Solutions Inc. CORPORATION NEVADA 720 Third Avenue, Suite 2015 Seattle WASHINGTON 98104
Attorney of Record Jennifer L. Jolley
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Type of Mark TRADEMARK
Register SUPPLEMENTAL
Live/Dead Indicator LIVE

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Goods and Services	IC 001. US 001 005 006 010 026 046. G & S: full line of hydraulic fluids for mobile equipment and industrial applications. FIRST USE: 19950500. FIRST USE IN COMMERCE: 19950500
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75583953
Filing Date	November 6, 1998
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	November 23, 1999
Registration Number	2318583
Registration Date	February 15, 2000
Owner	(REGISTRANT) American Chemical Technologies, Inc. CORPORATION MICHIGAN 485 E. Van Riper Road Fowlerville MICHIGAN 488367931

Attorney of Record EMILY S. HUOT
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 8 (6-YR).
Live/Dead Indicator LIVE

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ATR SPORT

Achilles ATR Sport and Desert Hawk UHP Tires* incorporate API's environmentally friendly EcoSafe technology which reduces rolling resistance, improves fuel mileage and wet grip. *17" sizes, and larger

Advanced offset design maximizes energy transfer to the road and provides excellent all-weather traction and resists hydroplaning

Computer aided design on profile allows excellent comfort, steering response and a comfortable, quiet ride

Mud and snow rated for year round driving conditions

UTQG 400 AA A

Wide steel belt allows excellent traction and cornering capabilities, reducing side slippage and improved braking

PRODUCT CODE	TIRE SIZE	LOAD INDEX/SPEED SYMBOL	OD INCHES	SW INCHES	TD 32ND	WT LBS
TUBELESS						
1301275558	185/55ZR15	82V	23.1	7.6	10	18.5
1301275509	195/50R15	82V	22.8	7.8	11	19.6
1301275559	195/55R15	85V	23.4	7.8	11	21.2
1301276509	195/50R16	87V	23.7	7.9	10	20.1
1301276559	195/55R16	87V	24.6	7.9	10	20.5
1301276500	205/50R16	87V	24.2	8.5	10	23.6
1301276550	205/55ZR16	91V	24.6	8.6	10	23.8
1301276400	205/45R16 XL	87V	22.4	8.3	10	20.3
1301276551	215/55ZR16 XL	97W	25.3	8.9	10	24.3
1301276615	215/60ZR16 XL	95V	26.1	8.6	10	27.8
1301276502	225/50ZR16 XL	96V	24.9	9.2	10	24.7
1301277401	215/40ZR17	87W	23.8	8.6	10	20.0
1301277400	205/40ZR17 XL	84W	23.5	8.3	10	20.7
1301277450	205/45ZR17 XL	88W	24.2	7.3	10	22.5
1301277500	205/50ZR17 XL	93W	25.1	8.4	10	23.4
1301277451	215/45ZR17 XL	91W	24.6	8.4	10	23.4
1301277501	215/50ZR17 XL	95W	25.6	8.7	10	24.9
1301277551	215/55ZR17 XL	98W	26.2	8.7	10	25.6
1301277452	225/45ZR17 XL	94W	25.0	8.7	10	24.3
1301277453	235/45ZR17 XL	97W	25.4	9.3	10	24.7
1301277454	245/45ZR17 XL	99W	25.7	9.6	10	27.6
1301278351	215/35ZR18 XL	84W	23.9	8.6	10	22.3
1301278402	225/40ZR18 XL	92W	25.1	9.1	10	23.6
1301278403	235/40ZR18 XL	95W	25.3	9.5	10	24.7
1301278404	245/40ZR18 XL	97W	25.6	9.6	10	27.8
1301278454	245/45ZR18 XL	100W	26.7	9.5	10	26.1
1301279352	225/35ZR19 XL	88W	25.1	9.1	10	23.2
1301279353	235/35ZR19 XL	91W	25.5	9.6	10	26.0
1301279354	245/35ZR19 XL	93W	25.3	9.0	10	27.1
1301279306	265/30ZR19 XL	93W	25.4	10.7	10	27.1
1301279307	275/30ZR19 XL	96W	25.6	10.5	10	25.0
1301270302	225/30ZR20 XL	85W	25.3	9.0	10	22.1
1301270352	225/35ZR20 XL	90W	25.3	9.0	10	24.5
1301270303	235/30ZR20 XL	88W	25.3	9.0	10	25.4
1301270304	245/30ZR20 XL	90Y	25.3	9.0	10	26.2
1301270354	245/35ZR20 XL	95W	26.9	9.6	10	28.4
1301270404	245/40ZR20 XL	99Y	27.8	9.7	10	24.1
1301270355	255/35ZR20 XL	97W	27.2	10.2	10	29.3
1301270455	255/45ZR20 XL	101Y	29.1	10.0	10	25.0
1301270357	275/35ZR20 XL	102Y	27.6	10.9	10	30.1
1301272407*	275/40ZR20 XL	106Y	28.6	10.8	10	35.1
1301272305*	255/30ZR22 XL	95Y	28.1	10.2	10	26.1
1301272306*	265/30ZR22 XL	97Y	28.5	10.8	10	31.1
1301272259*	295/25ZR22 XL	97Y	28.0	11.6	10	32.1
1301274357*	275/35ZR24 XL					0.0

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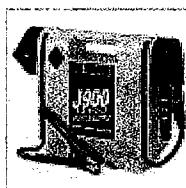
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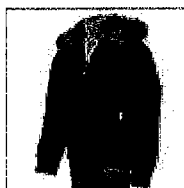
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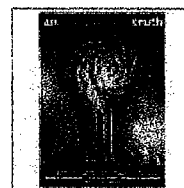
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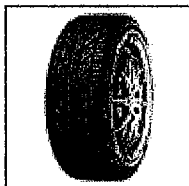


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Achilles ATR Sport 205/45 R16 83V All season tires (Write A
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EcoSafe technology which reduces rolling resistance, improves fuel
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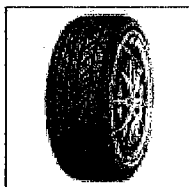
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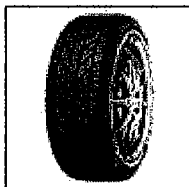
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mileage and wet grip. 17 sizes, and larger Advanced offset design
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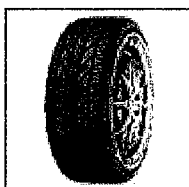
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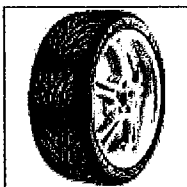


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Federal SS-595 205/45 R16 83V TW Summer tires (Write A Review)

The SS595 is Federals international ultra-high performance tire, developed for flagship sports cars requiring flat-out performance as well as excellent riding comfort. While Federals latest fundamental tire technology, TTIC, gives you smoother, faster and safer driving, the newly developed M.P.O. (Magnify Performance Optimization) technology also o..

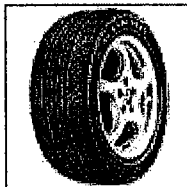
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Kumho ECSTA V700 205/45 R16 83V BSW Summer tires (Write A Review)

The DOT approved Ecsta V700 race tire is lighter than the Victoracer. Because of the directional tread design and symmetric internal construction racers can remount the Ecsta V700 inside out to extend the life of the tires, while providing racers with excellent performance and increased value. The tire features advanced silica tread compounding fo..

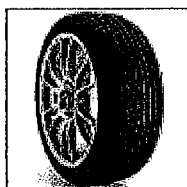
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Bridgestone Potenza RE760 Sport 205/45 R16 83W BSW asymmetric Summer tires (Write A Review)

The Potenza RE760 Sport is Bridgestones Ultra High Performance Summer tire developed for drivers of sports cars, sporty coupes and performance sedans who want to maximize sport driving pleasure without abandoning treadwear. The Potenza RE760 Sport is designed to deliver sharp response along with traction in wet and dry conditions, however like all ..

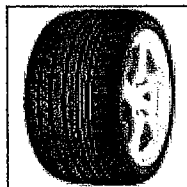
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Continental SportContact 2 205/45 R16 83V with raised rim rib, BSW Summer .. (Write A Review)

A sports tire for highest demands. Excellent braking performance and aquaplaning prevention are the most important qualities of the new high-end tire by continental for sports cars and luxury vehicles. Early acceptance by Porsche and Ford underline ContiSportContact 2 qualities.

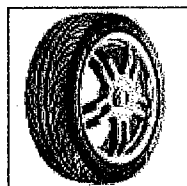
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Dunlop SP SPORT FM901 205/45 R16 83V BSW All season tires (Write A Review)

The SP Sport FM901 is Dunlops Ultra High Performance summer radial designed to blend sizzling appearance and performance for todays sports cars, coupes and sporty sedans. This also makes the SP Sport FM901 an ideal candidate for customizing vehicles by providing a look and size lineup that provides a wide range of Plus Two or Plus Three application..

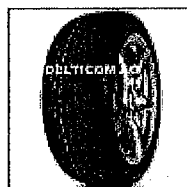
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Nankang NS-1 205/45 R16 83V BSW, TW Summer tires (Write A Review)

Innovative sports tires. Footprint with broad ribs for better drainage on wet roads. Innovativ tread, which reduces noise levels. Strengthened side walls to protect aluminium rims from damage through pavements.

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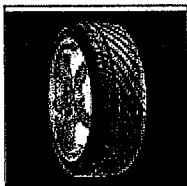
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Yokohama Parada 205/45 R16 83V , BW asymmetric Summer tires (Write A Review)



... premium tuning tire. Through his great performance and his current design, the PARADA created new standards for premium tuning range. Impressive sportivity with a high grip, good water exhaust and fantastic curve behaviour. Extremely flat grooves on the shoulder strengthen the stability of the vehicle. The innovative design reduce the fla..



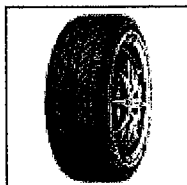
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Achilles ATR Sport 195/50 R16 84V All season tires (Write A Review)

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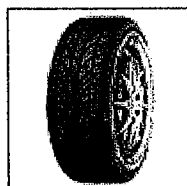
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Achilles ATR Sport 205/40 ZR17 84W All season tires (Write A Review)

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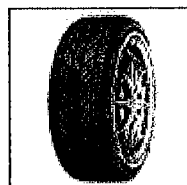
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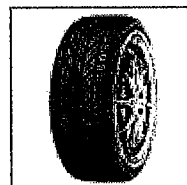
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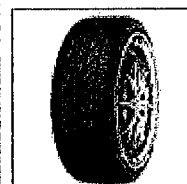
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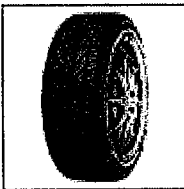
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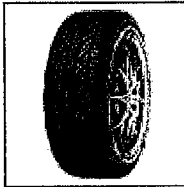


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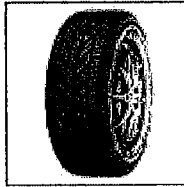


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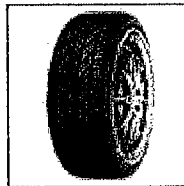


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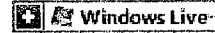
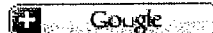
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Yes, plastics are a problem; what's the Solution?

Plastics are a problem, because they are bioinert. They persist for decades after use. Over time plastics will oxidize, fragment and disintegrate. It simply takes too long. The growing problem is compounded daily.

Accumulating litter from consumer, commercial, agricultural and industrial sources causes a worldwide backlash against plastics. Regulatory approaches today tend to deal with the symptoms. They try to fix the problem once the plastic is already in the litter stream.

It is our view and the view of many pre-eminent scientists that the long-term solution must deal with the problem at the source by encouraging the use of "controlled life-cycle materials".

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After use, this plastic is safely returned to the natural bio-cycle as 'organic carbon', ingested by micro-organisms. PSI's Products accelerate the natural process by factors of 100 to 1,000 or more. This contributes to the fertility of compost, frees-up air space in landfills and protects against plastics in our environment and watersheds.

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

















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PAINTS

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Part #	Description	Pkg Qty	Details	Cat Page	Cross Reference
85001	Ecosafe Gloss Black 20 Oz	6	ORMD	L1	VMRS053-998-018
85002	Ecosafe Gloss White 20 Oz	6	ORMD	L1	VMRS053-998-018
85003	Ecosafe Gloss Red 20 Oz	6	ORMD	L1	VMRS053-998-018
85004	Ecosafe Gloss Blue 20 Oz	6	ORMD	L1	VMRS053-998-018
85005	Ecosafe Gloss Yellow 20 Oz	6	ORMD	L1	VMRS053-998-018
85006	Ecosafe Gloss Green 20 Oz	6	ORMD	L1	VMRS053-998-018
85006-9	NEW! Ecosafe Gloss Green 6 Pack	1		L1	VMRS053-998-018
85013	Bumper Chrome Bright 16 Oz Can	6	ORMD	L1	VMRS053-998-018
85014	Ecosafe Jct Orange 16 Oz	6	ORMD	L1	VMRS053-998-018
85015	Fluorescent Orange 16 Oz	6	ORMD	L1	VMRS053-998-018
85016	Spruce Medium Blue 16 Oz	12	ORMD	L1	VMRS053-998-018
85017	Light Machine Gray 20 Oz	6	ORMD	L1	VMRS053-998-018
85019	Fluorescent Green 16 Oz	6	ORMD	L1	VMRS053-998-018
85020	Ecosafe Gray Rim 20 Oz	12	ORMD	L1	VMRS053-998-018
85021	Ecosafe Blue Green 20 Oz	6	ORMD	L1	VMRS053-998-018
85028	Ecosafe Sb Green 20 Oz	6	ORMD	L1	VMRS053-998-018
85030	Gloss Clear Acrylic 16 Oz Can	6	ORMD	L1	VMRS053-998-018
85035	Ecosafe Dark Purple 12 Oz Net	6	ORMD	L1	VMRS053-998-018
85039	Ecosafe Pmt Gray 16 Oz	6	ORMD	L1	VMRS053-998-018
85044	Engine Enamel Univ Gray 16 Oz	6	ORMD	L1	VMRS053-998-018
85050	Ecosafe Gloss Purple 16 Oz	6	ORMD	L1	VMRS053-998-018
85069	Ecosafe Nav Gray 16 Oz	6	ORMD	L1	VMRS053-998-018
85070	Swamp Holly Orange 16 Oz	6	ORMD	L1	VMRS053-998-018
85072	Trailer Gray Light 16 Oz	6	ORMD	L1	VMRS053-998-018
85074	Trailer Gray Dark 16 Oz	6	ORMD	L1	VMRS053-998-018
85076	Engine Cast Blast 16 Oz	6	ORMD	L1	VMRS053-998-018
85077	Omaha Orange Paint 16 Oz	6	ORMD	L1	VMRS053-998-018
85080	Marking Paint-Fluor Orange	12	ORMD	L2	VMRS053-998-018
85081	Marking Paint- White	12	ORMD	L2	VMRS053-998-018
85082	Marking Paint- Fluor Red/Orng	12	ORMD	L2	VMRS053-998-018
85083	Marking Paint-Utility Yllw	12	ORMD	L2	VMRS053-998-018
85084	Marking Paint-Safety Red	12	ORMD	L2	VMRS053-998-018
85086	Marking Paint-Alert Orange	12	ORMD	L2	VMRS053-998-018
85087	Marking Paint-Safety Green	12	ORMD	L2	VMRS053-999-057
85088	Marking Paint-Hot Pink Fluor.	12	ORMD	L2	VMRS053-999-057
85089	NEW! Ecosafe Teal Green 20 Oz Can	6	ORMD		VMRS053-998-018
85090	NEW! Ecosafe Black/Gray 20 Oz Can	6	ORMD		VMRS053-998-018
85091	NEW! Ecosafe Cream 20 Oz Can	6	ORMD		VMRS053-998-018
85092	NEW! Ecosafe Beige 20 Oz Can	6	ORMD		VMRS053-998-018
85093	NEW! Ecosafe Excavator Gray 20 Oz	6	ORMD		VMRS053-998-018
85094	NEW! Ecosafe Equipment Green 20 Oz	6	ORMD		VMRS053-998-018
85095	NEW! Ecosafe Lift Semi Gloss Gray	6	ORMD		VMRS053-998-018
85096	NEW! Ecosafe Power ¹ Tan 16 Oz Net	6	ORMD		VMRS053-998-018
85097	NEW! Ecosafe Forklift Yellow 16 Oz	6	ORMD		VMRS053-998-018
85098	NEW! Ecosafe Ihc Gray 16 Oz Net	6	ORMD		VMRS053-998-018

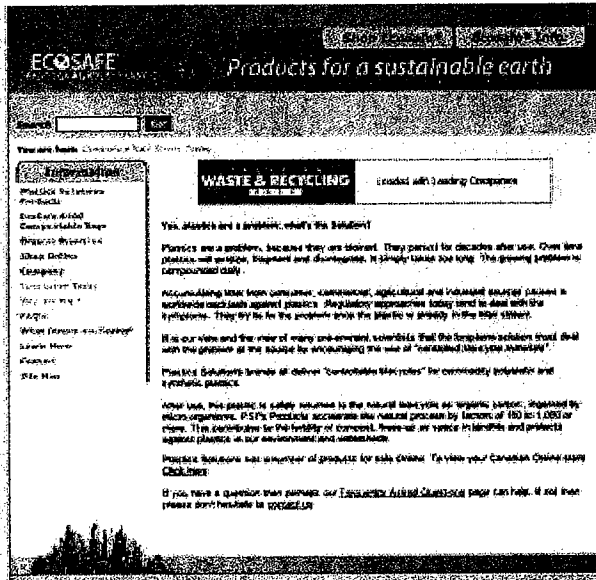
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INJECTED FOAM INSULATION

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Frequently Asked Questions

Question?

What is Ecosafe Premium Foam®?

Answer.

Ecosafe Premium Foam® foam-in-place insulation is an innovative, ultra-light weight, foam insulation.

Ecosafe Premium foam® insulation is a environmentally safe and friendly product made from Phenol based tripolymers. The foam is non toxic and contains no petro-chemicals or solvents. Other "Green" characteristics of Ecosafe Premium foam® are: That it contains no CFC' s, and No Ozone Depleting Off Gassing. Phenol Plastics are well known for their durability, structural integrity, and extraordinary fire resistance. Phenol Plastics are used in electronics, automobiles, machine parts, fire-proof coatings, adhesives, tools, and thousands of other commercial and household items. When made into a foam insulation, Phenol Plastics are one of the safest and most efficient thermal and acoustical insulation products available.

Ecosafe Premium Foam® is a 60%closed-cell; semi-permeable foam that in one step provides a sealed, thermal envelope that simplifies retrofit practices. This foam insulation has been formulated with the environment in mind. It emits no VOC's or CFC's, and does not contain Urea Formaldehyde. It behaves much like petroleum-based plastic foam, without any of the harmful environmental side effects.

Question?

Does Ecosafe Premium Foam® emit **any toxic gasses during installation or when subjected to high temperatures?**

Answer.

When tested in accordance with the Federal Hazardous Substances Act, Ecosafe premium Foam®'s by-products of combustion are significantly less toxic than those produced by the burning of white pine... a common wood used extensively in residential home construction. When tested for hazardous materials as listed in the EPA's Emergency Planning Community Right to Know Act under sections 311 & 312, test results show no toxic materials were detected, and combined Aldehyde were again undetected at a level of 0.0007%.

Question?

What makes Ecosafe Premium Foam® **so effective?**

Answer.

Ecosafe Premium Foam® is much more effective than traditional insulation products, because the foam insulation is applied as a liquid. As it is injected, it conforms and fills each cavity, crevasse, and void to create a thermal envelope. Ecosafe Premium Foam® is a highly-efficient seal against air infiltration, the number one source of energy loss. This innovative insulation can be injected into any cavity and does not burn, settle, or disintegrate.

Since Fiberglass or cellulose are settling materials, they cannot seal from stud to stud or around outlets. In addition, fiberglass and cellulose can lose their insulation value if water or moisture invades the wall cavity. Ecosafe Premium Foam® can actually help eliminate moisture problems in a wall cavity by creating an air tight seal. Ecosafe Premium Foam® is an inert substance and will not support mold growth.

Question?

How does Ecosafe Premium Foam® **save consumers money?**

Answer.

Ecosafe Premium Foam® is cost-effective, reducing energy bills by up to 50% or more. The initial cost of installing the Ecosafe Premium Foam® may be higher than traditional fiberglass insulation; however, the savings in utility bills every month, year after year, greatly outweigh the extra cost. The larger the home, the faster the return on investment. Plus, Ecosafe Premium Foam® also provides a savings by reducing the required size of HVAC (heating and air conditioning) and other time consuming and costly procedures and materials.

Question?

How does Ecosafe Premium Foam® **control indoor air quality and comfort?**

Answer.

Ecosafe Premium Foam® provides a sealed thermal envelope. When applied, the insulation conforms and fills each cavity, crevasse and void.

Ecosafe Premium Foam® contributes to the overall comfort and health of the occupants of a home because there are no fibers or "clumps" of loose matter. By reducing air infiltration, the insulation also reduces dust and harmful, household mold and mildew. Ecosafe Premium Foam® provides a healthier, draft-free, indoor environment with no harmful emissions that can cause allergic reactions.

Question?

How does Ecosafe Premium Foam® **control moisture movement and condensation**?

Answer.

Most damaging moisture within a building envelope cavity is the result of warm moist inside air being exchanged with the cold dry air inside an insulation cavity. As the moisture in the air condenses, it forms dew within the insulation. Because Ecosafe Premium Foam® is an air seal, this moisture movement and condensation does not occur. Ecosafe Premium Foam® is ideal for use in climates where buildings are both heated and air conditioned because the situation is reversed in summer with moisture forming on the back of the interior vapor retarder.

Question?

What is the R-Value of Ecosafe Premium Foam® **per inch**?

Answer.

R-value is derived from a controlled laboratory test of insulation's resistance to conductive heat flow. Ecosafe Premium Foam® has an R-value of 5.1/inch @ 32 degrees F.

Question?

Can Ecosafe Premium Foam® **improve the fire ratings of a wall system**?

Answer.

Yes! For over 20 years, Ecosafe Premium Foam® has been tested by some of the most reputable independent laboratories in the country. Using the ASTM E-119 procedure, fire tests were performed on many different standard and custom wall designs. Two identical walls were constructed - one empty, the other filled with Ecosafe Premium Foam®. In every test, the Foam filled wall showed an increase of fire ratings from 50 to 150 percent!

Ecosafe Premium Foam® does not melt or vaporize like other foam insulation materials when subjected to the ASTM E-119 testing. Because of its unparalleled fire resistance, Ecosafe Premium Foam® has been approved by many state and local building and fire departments and is UL Listed.

Question?

What is the flame spread and smoke development of Ecosafe Premium Foam®?

Answer.

Ecosafe Premium Foam® has a flame spread of 5, Combustibility of 0, and its smoke development is 0. For those reasons, Ecosafe Premium Foam® is a Class 1-rated material against fires and does not emit hazardous gasses when exposed to heat of fire. This is the highest rating an insulation product can receive for residential and commercial applications.

Question?

How is Ecosafe Premium Foam® **installed**?

Answer.

Ecosafe Premium Foam® is injected into a cavity by a Certified Ecosafe Premium Foam® Installer. The Certified installer would remove siding/shingles or drill in the mortar between bricks from the outside of the home. As with any closed vertical cavity, Ecosafe Premium Foam® can be injected into the cavity through holes drilled from the outside of the house.

Question?

Does Ecosafe Premium Foam® **cause any electrical wiring overheat problems.**

Answer.

No, Ecosafe Premium Foam® has been tested and is not a concern to electrical authorities, and is UL listed.

Question?

Is Ecosafe Premium Foam® **corrosive to metals?**

Answer.

No. Unlike other types of foams that rely on strong mineral acids for setting and final curing, Ecosafe Premium Foam® is polymerized by using cross linking compounds, producing a self neutralizing, and non-corrosive foam product.

Question?

Does Ecosafe Premium Foam® **support bacteria or fungal growth?**

Answer.

Ecosafe Premium Foam® offers no food value, it is an inert substance; therefore it does not support bacteria or fungal growth.

Question?

How long does Ecosafe Premium Foam® **last?**

Answer.

Indefinitely. As an inert, long lasting polymer, any residential or commercial structure is a great place for Ecosafe Premium Foam® Insulation.

Question?

How long does it take for Ecosafe Premium Foam® **to cure?**

Answer.

The spray goes from liquid to foam (like shaving cream) in seconds after spraying. You can watch it quickly harden after a few minutes. It completely cures within a few days.

Question?

Does Ecosafe Premium Foam® **create a problem with rodents and insects eating the insulation?**

Answer.

No. Ecosafe Premium Foam®, is an inert substance, is pest resistant. There is absolutely no food value to the insulation.

Question?

Can homeowners install Ecosafe Premium Foam® **themselves?**

answer.

So, it takes a certified, trained professional to install Ecosafe Premium Foam® Insulation because of the sophisticated equipment needed to install it properly. Ecosafe Insulation trains and certifies all its installers.

Question?

How does an installer know when a CMU or stud wall is full?

answer.

Sensitive temperature and pressure gauges are located in strategic locations throughout the Ecosafe Premium Foam® installation system. As the cavity being filled reaches completion, a small amount of back pressure is produced. Once this pressure reaches a predetermined point, as monitored through the gauges, the installer stops the process and proceeds to the next access hole. A backup method, known as 'fill time', is also used. An experienced installer knows the time it takes to fill a specific size and shape cavity. If the pressure reaches the completed level before the normal fill time has elapsed, a blockage may have occurred, and additional access holes are drilled above or below the blockage.

Question?

What happens if the owners want to add an electrical outlet once Ecosafe Premium Foam® is **installed**?

answer.

An outlet can be easily added since Ecosafe Premium Foam® drills more easily than other hard-drying foams.

Question?

What is Energy Star?

answer.

ENERGY STAR is a government-backed program helping businesses and individuals protect the environment through superior energy efficiency. Ecosafe Premium Foam® is a Qualified Energy Star product.

Question?

How long has Ecosafe Premium Foam® **been around**?

answer.

Ecosafe Premium Foam® has been around for more than 30 years.

Ecosafe Insulation began in 1982 to help create a healthier, more comfortable, energy efficient, and environmentally responsible insulation.

Question?

How is Ecosafe Premium Foam® **Shipped**?

Answer.

The manufacturing of Phenol Resin is an exacting process. Material is shipped to the installer from the manufacturer or its subsidiaries in a finished liquid form, thus insuring product consistency from drum to drum.

Question?

How can I purchase Ecosafe Premium Foam® Insulation for my home?

Answer:

Ecosafe Insulation, Inc. the sole distributor of Ecosafe Premium Foam®. We are considering expanding nationwide by adding Licensees in all regions of the country. If you are interested in having Ecosafe Premium Foam® insulation installed in your home or business, call Ecosafe Insulation's Headquarters at (270) 928-3252.

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Question: Does your insulation contain water or glue?

Answer: NO. Our system is a Dry Dense Pac Cellulose Insulation, that is pneumatically blown to a minimum density of 3lbs P.C.F(per cubic foot) in a 2X4 cavity. 3.5lbs P.C.F in a 2X6 cavity.

Question: Does your insulation settle?

Answer: NO. If we were to use a "cheap or flimsy" poly film or "cheap netting" or other spray applied products that will "shrink" over time, then there would be settling. Because we use a patented "super strong" tire corded reinforced 3 layered poly, we can install the Cellulose fiber at a much greater pressure allowing us to "PAC" the Cellulose Insulation to it's settled density. Once we "PAC" it, it will not settle.

Question: Does your Insulation support mold growth?

Answer: NO. The Borate treated fibers of Cellulose is a fungicide as well as an insect and rodent inhibitor. Mold happens when there is moisture present. Only when you have trapped moisture through poor installations or leaky walls will mold be found. Air leakage provides the vehicle for moisture to collect in the walls, ceilings and floors. We do not use any water in our system. Our system seals against moisture and air infiltration and greatly reduces the chance of it.

Question: Does your insulation burn?

Answer: NO. Unlike fiberglass batts, Cellulose Insulation is the only building product that undergoes rigorous and regular testing. Please check out our "useful links" page.

Question: Why do you recommend the "Dry Dense Pac" system?

Answer: Because it works! The sealing qualities of our patented system, by far surpasses conventional insulation. We have used other methods, but we have found this to be the best. When it comes to infiltration and exfiltration our system beats all others "Hands Down". There are no gaps or voids and the 3 ply reinforced poly is a superior vapor barrier. Air leakage should be of major importance to every building manager considering the cost of operating environmentally controlled areas today.

Question: Are there any harmful chemicals in Cellulose Insulation?

Answer: NO. Unlike fiberglass (("which gives off Hydrogen Cyanide Gas when it burns!")) Cellulose contains no VOC'S.

Question: Does Your Product qualify for the \$2,000.00 Energy Tax Credit offered by the 2005 Energy

olicy Act?

answer: Yes. Here is the Link to the IRS. You will need Adobe Acrobat reader. Click on ICON to get it for free.



R" Value without Density and Air Leakage Sealing Is Meaningless.

Still have questions? Please check out our useful links page or contact us anytime! We look forward to hearing from you.

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CASPER LANDS ECOSAFE

Burke, Brendan.

Casper Star-Tribune, 17 July 2005

A product named Ecosafe(R) by its inventor, Fernando de Torres of Global Petroleum Environmental Technologies, LLC, could eventually be produced in Casper, WY. The plant-based compound has the consistency of liquid laundry detergent and is orange, relatively odorless, and non-toxic. Ecosafe(R) is designed to quickly break down hydrocarbons, polychlorinated biphenyls (PCBs), and some solvents into innocuous compounds in soils or ground water. Clarke Turner, the director of the Rocky Mountain Oilfield Testing Center (RMOTC), held a press conference jointly with de Torres to announce that Ecosafe's effectiveness in breaking down PCBs will be tested over a period of weeks by RMOTC personnel and researchers from Clemson University. If Clemson's PCB tests yield positive results, U.S. EPA is expected to grant de Torres a permit to use his product on PCB cleanups in the United States. The tests results should be known by September. The Wyoming Oil and Gas Conservation Commission has placed Global Petroleum Environmental Technologies on its list of approved sludge pit treatment companies. The PCB-cleansing aspects of the product have been previously demonstrated in tests in Columbia and Venezuela, according to de Torres. In addition to production of the Ecosafe(R) product, Global Petroleum Environmental Technologies has a long-term plan to establish a research center in Casper employing 30 to 40 people. For more information on Ecosafe(R), contact James Monroe, 307-266-1789, Ecosafe@EcosafeEMS.com.

The Technology Innovation News Survey welcomes your comments and suggestions, as well as information about errors for correction. Please contact Linda Fiedler of the U.S. EPA Office of Superfund Remediation and Technology Innovation at fiedler.linda@epa.gov or 703-603-7194 with any comments, suggestions, or corrections.

Mention of non-EPA documents, presentations, or papers does not constitute a U.S. EPA endorsement of their contents, only an acknowledgment that they exist and may be relevant to the Technology Innovation News Survey audience.

<http://www.clu-in.org/products/tins/display.cfm>

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Our History

EcoSafe®

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Greases

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These products contain additives which provide rust and oxidation protection, as well as superior anti-wear properties.

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- Oxidation resistance and hydrolytic stability far superior to polyol ester
 - Readily biodegradable
 - High viscosity index
 - Low pour point

* View [Product Information Sheets](#) for **EcoSafe® FR46, FR68, FR100 Products**

View [Product Information Sheets](#) for **EcoSafe® EHC46, EHC68 Products**

View the [Material Safety Data Sheet](#) for these products.

American Chemical Technologies
485 E. Van Riper
Fowlerville, Michigan 4883
phone: 800-938-0101 or 517-225

EXHIBIT M

"EcoSafe is a great asset in developing unique formulations and analytical procedures for various markets."

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VP OF RESEARCH,
ECOSMART
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Rod Bradbury's Lab

All of EcoSafe's technicians work under Rod Bradbury's direction. Bradbury's reputation as a master of chemical formulations is reflected in every project EcoSafe undertakes. He created the EcoSafe lab and plays a hands-on role in all projects.

Sharp Minds On Call

With over thirty years in the field, Rod Bradbury has a rare combination of expertise and experience in research, development, and production in laboratory and manufacturing facilities. His name appears on numerous formula patents, lists of scientific advisors, and published articles. He also has in-depth knowledge of government regulations.

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To profit from the growing demand for safe, effective natural chemical products, you need efficient, effective science. EcoSafe provides that to consumer product companies, industrial product producers, biotechs, universities, and government agencies around the world. Get the EcoSafe edge.

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Road & Sidewalk Salt

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Consumer Ice Melters

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EcoSafe Ice Melt
Morton® Safe-T-Power™
Calcium Chloride
Morton® Safe-T-Salt® Rock
Salt

Professional Grade Ice Melters

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Morton® Calcium Chloride
Morton® Safe-T-Salt® Rock
Salt

Road Salt

Salt & Safety
How Salt Works on the Road
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Morton® Safe-T-Plus™ EcoSafe Ice Melt

Safer For Sidewalks, Plants and Pets
Melts to -5° F

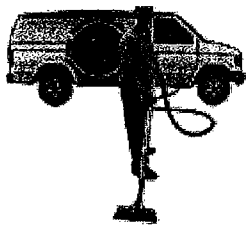
Morton® Safe-T-Plus™ EcoSafe Ice Melt is safer for pets, plants and concrete than plain salt and melts snow and ice at 5° F. The run off from using Morton® Safe-T-Plus™ EcoSafe Ice Melt has lower environmental impact to ground and surface water than run off from other leading safety blends. Plus, this product's ingestion tolerance is higher and safer for both humans and pets than other leading safety blends. In addition, Morton® Safe-T-Plus™ EcoSafe Ice Melt has a patented formula that greatly reduces the amount of damage to concrete surfaces.

Available Sizes

12 lb. easy pour jug with resealable lid
25 lb. easy open, durable bag with hard handle

Ice Melt Product Selector
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EcoSafe by Cambro



Protecting our Resources and Using them Safely

The Cambro Manufacturing Company is taking significant steps to use earth's resources safely. Cambro's EcoSafe manufacturing processes take every step possible to be environmentally protective. Cambro also manufactures a number of products that help foodservice operators be EcoSafe.

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Energy Conservation

- Cambro uses energy efficient lighting throughout Cambro facilities and motion sensors in offices.
- Energy efficiency is a prime criteria in selection of all of our equipment.
- We have upgraded primary and auxiliary equipment to be energy efficient as well.
- We have upgraded natural gas powered equipment to minimize emissions.
- We employ a full time environmental engineer to oversee energy conservation and waste management.

Waste Management

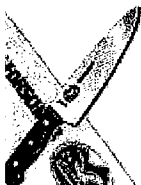
- Plastic molding by nature is a clean and controllable industrial process which has low impact on the environment.
- Major waste streams from manufacturing are recycled.
- We continually analyze and strive to reduce and eliminate use of landfills.
- We minimize scrap by controlling and managing production activities and material processing.

Regulatory Agency Compliance and Reporting

It is the policy of Cambro Manufacturing Company to comply with all environmental rules and regulations: local, state, federal and international. Cambro maintains an Environmental Manual to provide guidance to management and employees regarding compliance with these requirements. Cambro manufacturing facilities comply with the following organizations and regulations:

- Federal EPA (Environmental Protection Agency)
- Federal OSHA (Occupational Safety & Health Administration)
- Federal Emergency Planning & Community Right-to-Know Act
- US FDA (Food & Drug Administration)
- USDA (Dept. of Agriculture)
- California EPA
- California OSHA
- California Water Quality Control Board
- South Coast AQMD (Air Quality Management District)
- Various County and City laws and codes

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BPA / #7 plastic (Bisphenol-A)

Recent news coverage regarding baby bottles, has suggested that all plastic containers and bottles labeled with the number "7" contain BPA. While all polycarbonate plastics containing BPA are labeled with the number "7" recycling category, **not all** number "7" contain BPA. Based on the combination of materials used, some of Cambro products that do not contain BPA fall into category "7" for recycling. Cambro certifies that the food contact products made from the polycarbonate resins meet all applicable requests and regulations in the U. S. regarding food and safety. Bisphenol-A is key building block used to make the polycarbonate resin. The United States Food and Drug Administration (FDA) regulation prescribing safe conditions of use can be found at 21 CFR 177.1580. ([Cambro's Certification Letter](#))

Products produced with the polycarbonate plastic based resin are meant for its intended use as specified in Cambro's written materials (e.g. instructions and product labels). The resin meets the FDA regulations to be used safely with food. The Polycarbonate plastics and epoxy resins made with bisphenol-a (BPA) have been rigorously tested and safely used for more than 40 years. They have been repeatedly found to be safe for consumer use by governments around the world.

Further information can be found at www.bisphenol-a.org.

Cambro Products that Help Foodservice Operators Conserve Resources

- [Camrack® Wash and Store System](#)

- Closed external walls completely eliminate the need for rewashing glassware. This saves on reducing water, chemical and utility usage.
- Wash, store and safely transport stemware & tumble less washing and handling reduces breakage and replacement costs.
- All these EcoSafe benefits protect rivers, lakes, oceans and landfills.
- Camshelving
 - The thick polypropylene surface protects the steel core from exposure that would cause rust, so Camshelving lasts a lifetime.
 - Long life means less metal is used as a replacement and less metal is disposed, extending our natural resources.
- Camtherm Food Holding Cabinet
 - Thermoelectric cabinet uses 48% less electricity than comparable metal cabinets, based on independent testing.
 - Energy efficient.
- Additional Products
 - The exclusive GripLid® for food pans reduces need for shrink wrap, conserving resources and reducing waste.
 - Cambro makes the widest assortment of durable trays, an alternative to disposable trays and packaging. Using Cambro trays reduces need for paper goods, extending the use of our natural resources and reducing landfill.
 - Cambro is the leader in food storage for the foodservice industry. Durable Round and Square storage containers protect contents and reduce waste.
 - StoreSafe Food Rotation Labels are 100% biodegradable, so they do not harm sewer systems and reduce landfill.

www.bosch.com

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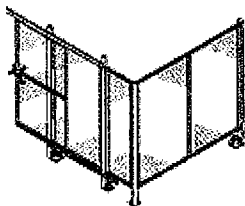
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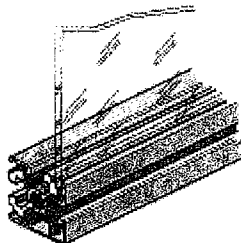
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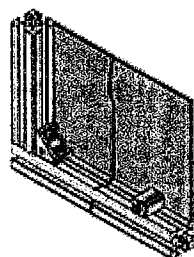
EcoSafe Components

Ecosafe frame profiles are an economical solution for the construction of protective guards with woven wire grilles or panels. The grille is held securely in the special groove so that it cannot rattle. Panels are assembled using self-tapping screws. The panels are then hung from support posts using a panel mounting bracket. See section 6 of the catalog for complete assembly information.



Other Guarding Components

Additional frame profiles for creating guards, panels and trays.



Panel Mounting Components

Various items for mounting panels to profiles. Useful in creating cleanroom applications.

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Wataire Ecosafe Technologies Progress with Turbine Technology.

Publication: Business Wire

Date: Friday, August 3 2007

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VANCOUVER, British Columbia -- Wataire Ecosafe Technologies Inc. (formerly Wataire Industries Inc.) (Pink Sheets:WTAF) is pleased to announce progress on its development of an innovative turbine-based water treatment system. Product design and testing is well under way utilizing exclusive patented

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turbine technology. The product we are developing is an "entire home" atmospheric water generator, which will be available in 2008. In addition to providing drinking water, the turbine-based technology will also offer cooling capacity and also heat water for a home. By eliminating the need for certified refrigeration technicians, ozone depleting refrigerant gases and refrigerant compressors normally used in competitive products, the product will have

special appeal for concerned environmentalists.

There are many potential building sites with ideal climate conditions yet they often lack reliable sources of surface or ground water. Even though these areas may be able to provide electrical and sewage systems, without a water supply land development will not be approved. The Company is convinced that its product's competitive advantages are its proven technology, lower cost structure and greater energy efficiency, which can be powered by many different sources of energy. The equipment is both lighter and smaller than competitive products and features a modular design that makes for easy servicing with simple tools. This unique product will find a ready market because of the multiple benefits provided by such a revolutionary "entire home utility system."

Development of the turbine technology plus exploration of wind and solar power sources for integration with Wataire Ecosafe's water treatment systems is further evidence of the Company's total commitment to commercially viable technology innovation as the foundation for its future success.

Forward-looking statements in this release are made pursuant to the "Safe Harbor" provisions of the Private Securities Litigation Reform Act of 1995. Investors are cautioned that such forward-looking statements involve risks and uncertainties, including without limitation, continued acceptance of the Company's products, increased levels of competition for the Company, new products and technological changes, the Company's dependence on third-party supplier and other risks detailed, from time to time, in the Company's periodic reports filed with the Securities and Exchange Commission.

In addition, make sure to read these articles:

Wataire Industries Files US Patent Application to Control Biofilm in Drinking Water.

VANCOUVER, British Columbia -- Wataire Industries Inc. (Pink Sheets:WTAF) announces it has converted a provisional patent application to a regular US patent application titled

Clearly Canadian Supports Projects to Improve Access to Safe Water Supplies in Developing...

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VANCOUVER, B.C. -- CLEARLY CANADIAN BEVERAGE CORPORATION (OTCBB:CCBEF) announced today that it has partnered with Global Water, a U.S.-based, non-profit organization committed to providing clean water to people in need.

Pennichuck Water Works Completes Second Phase Of Water Treatment Plant Upgrade.
Pennichuck starts operations of Finished Water Pumping Station and Storage Tank MERRIMACK, N.H. -- Pennichuck Water Works, Inc., a wholly-owned subsidiary of Pennichuck Corporation (NASDAQ:PNNW),

Wataire Ecosafe Technologies to Ask Shareholdes toProvide Shareholder Positions.
VANCOUVER, British Columbia -- Wataire Ecosafe Technologies Inc. (PINK SHEETS:WTAF) announces that the Company will be requesting current shareholders to provide documentation for the number

Wataire Ecosafe Technologies Announces Further Progress on Turbine Development Project.
VANCOUVER, British Columbia -- Wataire Ecosafe Technologies Inc. (Pink Sheets:WTAF) is please to announce to its shareholders progress on its new Turbine Atmospheric Water

Wataire Ecosafe Technologies Ships Products to Greece.
VANCOUVER, British Columbia -- Wataire Ecosafe Technologies Inc. (formerly Wataire Industries Inc.) (Pink Sheets:WTAF) announces that one container load of 250 WW11-4010 Home/Office units has

Wataire Ecosafe Technologies Inc. Shareholders Update.
VANCOUVER, British Columbia -- As previously announced, Wataire Ecosafe Technologies Inc. (Pink Sheets:WTAF) is currently negotiating terms to build the production model water turbine

Wataire Ecosafe Technologies Adopts New Name and Focus.
VANCOUVER -- Wataire Ecosafe Technologies Inc. (PINK SHEETS:WTAF) is pleased to announce that it has adopted a new corporate name, "Ecosafe Innotech Inc." a name

Cimbix Corp. Announces Appointment of New Directors.
BEVERLY HILLS, Calif. -- Cimbix Corp. ("Cimbix" or the "Company") (OTCBB:CBXC) is pleased to announce the appointment of Max Weissengruber, Mark Miziolek and Ronald

Wataire International Receives Sales Order From Greece Distributor.
WOODLAND HILLS, Calif. -- Wataire International Inc. ("Wataire" or the "Company") (OTCBB:WTAR), is pleased to announce that it has received an irrevocable letter of credit

Wataire International Acquires Technology Rights.
WOODLAND HILLS, Calif. -- Wataire International Inc. ("Wataire" or the "Company") (OTCBB:WTAR), is pleased to announce the acquisition of all the intellectual property rights ("IP")

Wataire's Technology Utilized on the Mars Society Mission.
WOODLAND HILLS, Calif. -- Wataire International Inc. ("Wataire" or the "Company") (OTCBB:WTAR) is pleased to announce that Wataire's technology is being utilized to provide

Global Wataire Inc. Places Order for Two Containers of Atmospheric Water Generators to...
NEW YORK -- Global Wataire Inc. (OTCBB:GWTE) whose mandate is to build a global sales and marketing network together with its manufacturing partner Wataire

Wataire Industries Inc. Appoints New Director.
VANCOUVER, British Columbia -- Wataire Industries Inc. (Pink Sheets:WTAF) is pleased to announce the appointment of Len Aronoff Esq as member of our board and

Wataire Industries Urgent Clarification.
VANCOUVER, British Columbia -- Wataire Industries, Inc. (Pink Sheets:WTAF), This is an urgent clarification of the workings of the forward split dividend declared for

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SFX Entertainment has purchased the assets of financially troubled Livent Inc., in a deal that includes both venues and touring productions.

Striking Actors Eyeing 3-Day Talks

With actors in much of Canada on strike, contract talks between union performers in British Columbia and North American producers will resume today in Vancouver.

Canada's Striking Actors Eyeing Local ACTRA Talks

With actors in much of Canada on strike, contract talks between union performers in British Columbia and North American producers will resume Tuesday in Vancouver

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POWER WASH SYSTEM

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Eco-Safe is Setting the Industry Standard With Completely Green Technology

**FOOD DISINFECTION****WATER RECLAMATION**

[GreenBaron.com Webcast Interview of Dr. Dennis Harp--Click Here](#)

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Eco-Safe Books Strong Sales in January; Installation of Demonstration Units to Large Companies Expected to Generate Continued Growth (2/2/2009)

LOS ANGELES, CA (February 2) -- Eco-Safe Systems USA, Inc. (PINKSHEETS: ESFS) is pleased to announce brisk sales and installations of demo units in January. Eco-Safe has booked sales of its largest systems to supermarkets and commercial processors of food. It also completed the installation of its laundry system for the 5 Star Hotel Raffles L'Ermitage Beverly Hills.

Additionally, Eco-Safe has completed discussions and plans to install a variety of demonstration units. Among these is an installation for a nationwide chain of restaurants with multiple brands. This potential large customer evaluated competing ozone systems and determined they were not sufficient for their needs. Eco-Safe is confident that the full facility protection provided by an MD-2000 system will effectively surpass their expectations.

Michael Elliot, President of Eco-Safe Systems USA, Inc., said, "We are deeply pleased to see the food industry begin to understand the need for prevention of food-borne illness. With the recent salmonella outbreak, national headlines carry the familiar call for more testing and greater regulation. Fortunately, some of the food industry leaders comprehend that prevention through green, organic disinfection is the best way to provide a safer, healthier food supply."

Eco-Safe Syster. , based in Los Angeles, is the manufactu. of patent pending water treatment and water reclamation systems. Our technologies produce ozonated water for food disinfection and water purification at significantly less maintenance cost and greater energy savings than our competitors in a completely green and organic manner. We currently offer supermarkets and restaurants a cost effective way to safely extend the shelf life of meat, poultry, seafood, fruits and vegetables. Please visit us at www.ecosafeusa.com for more information.

The foregoing contains forward-looking information within the meaning of The Private Securities Litigation Act of 1995. Such forward-looking statements involve certain risks and uncertainties. The actual results may differ materially from such forward-looking statements. The company does not undertake to publicly update or revise its forward-looking statements even if experience or future changes make it clear that any projected results (expressed or implied) will not be realized.

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Investor Relations & Communications: Worldwide Financial Marketing, Inc. USA, Int'l: 1-954-360-9998, U.S.: 1-866-360-9998, www.wwfinancial.com

Eco-Safe Systems USA builds the only **Food Disinfection Systems** in operation that kill bacteria on contact without harmful chemical residues using our Patent Pending Ozone technology. The Eco-Safe System makes money for food processors by adding shelf-life to their products. Bacteria cause illness and decay, and decay causes bad odors. Ozone kills bacteria and molds instantly, stopping decay and making bad odors disappear. This adds days more shelf life to perishable foods, saving businesses thousands of dollars instead of throwing product away as waste.

How to Make Money

Eco-Safe Systems USA also has the foremost **Water Reclamation Systems**. No matter the source of your polluted water, Eco-Safe Systems can turn it into the finest drinking water, as pure as the world's best bottled waters. The Eco-Safe System has proven itself by taking the darkest dye water from a Dye house, and the most foul, contaminated water from the sewer drain of a Slaughter House and turned it into pure, safe drinking water. Save money and be kind to the planet--Reclaim wastewater with Eco-Safe Systems.

How to Make Money

Industry News

Is Water The Next Oil?

Water Stocks

Will There Be Water Riots?

Stock Index for Water

National Infrastructure
Improvement Act

Water Policy Fails World's Poor

Legionnaires' Disease in Water
Supply

Desalination on the Rise

Desalination Energy Breakthrough

Water Exports

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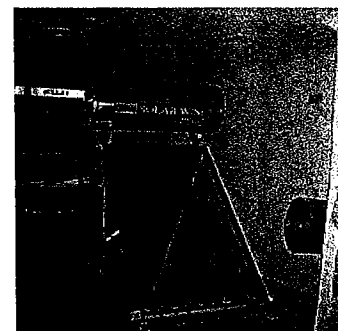
How to find us

Ecosafe Systems Ltd. is a new company set up to provide equipment that helps to sustain the environment as well as a complete range of safety equipment.

Renewable Energy Products

High efficiency solar water heaters

SOLAR WISE



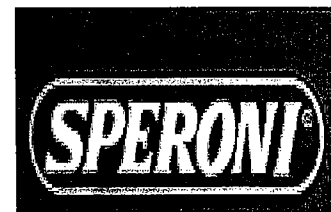
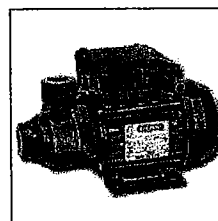
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Bowser Type

Circular Type

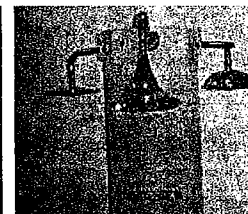
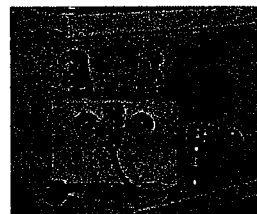
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Shower and Chrome fittings

Modern Shower heads

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Safety Products

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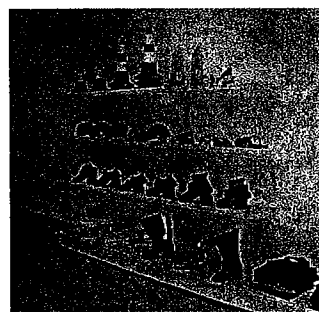
Safety clothing

Breathing apparatus

Ear protection

Safety Shoes

Gloves



Water Treatment Products



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